

SUBJECT: Code of Conduct

PROJECT SAVE

**(Safe Schools Against Violence in Education)
Education Law S2801
Commissioner's Regulation 100. 2(1)**

CODE OF CONDUCT

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I. Introduction

The Board of Education is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver, a quality education without disruption.

The District requires everyone on school property or at school events to practice civility, mutual respect, tolerance, honesty, and integrity in their interactions with others.

The board recognizes the need to clearly define the expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline is administered promptly and fairly. To this end, the board adopts this code of conduct.

Unless otherwise indicated, this code applies to any person on school property or attending a school function.

II. Definitions

"Bullying" means a pattern of harassment or intimidation, as defined below.

"Defamation" means the act of making false statements about an individual that damage their reputation. The statement may be disseminated verbally or via any medium (e. g. social media).

"Disruptive Student" refers to an elementary or secondary student who significantly hampers the flow of classroom instruction or undermines the teacher's ability to manage the class.

"Disability" is defined as:

- 1) an impairment affecting physical, mental, or medical functions, verified by accepted medical techniques; or
- 2) a documented history of such an impairment; or
- 3) being perceived as having such an impairment.
 - a. For employment-related matters, the definition only includes disabilities that, with reasonable accommodations, don't inhibit job performance.
- 4) This definition shall be applied as consistent with any applicable State or Federal laws.

"Discrimination" refers to unjust or prejudicial treatment by any person in the district that a reasonable person would consider to create a hostile environment severe enough to either:

1. significantly impede a student's education or well-being; or
2. make a student reasonably fear for their physical safety.

Exceptions may exist if permitted under Education Law sections 3201-a or 2854(2)(a) for sex-based instruction and federal laws like Title IX (20 U. S. C. Sec 1681, et seq.) and Section 504 of the Rehabilitation Act of 1973. This definition shall be applied as consistent with any applicable State or Federal Laws.

"Employee" refers to anyone paid by a school district or a contracted service provider, or workers in public assistance programs under title 9-B of Article 5 of the Social Services Law, who have direct student contact.

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“**Hazing**” means intentional or reckless acts aimed at others to initiate or maintain membership in any school-related activity, organization, club, or team.

"**Harassment**" refers to actions, whether physical or verbal, that either significantly disrupt an individual's educational experience, threaten physical or emotional well-being, or causes reasonable fear for their physical safety, creating a hostile environment.

"**Intimidation**" refers to the act of instilling fear or apprehension in a person through verbal or non-verbal threats, with the intent to influence, deter, or control their actions.

“**Parent**” means parent, guardian, or person in parental relation to the student.

"**School Property**" refers to any area within the boundary line of the Broadalbin-Perth CSD or any vehicle owned by the school district.

"**School Bus**" refers to any motor vehicle used for transporting students or employees to or from school activities, whether owned by Broadalbin-Perth Central School District, a private charter company, or a privately owned vehicle driven for compensation from the district.

“**School Function**” means a school sponsored event or activity. "Sexual Harassment" refers to any unwelcome sexual conduct, either verbal or physical, including but not limited to advances, requests for favors, or the sharing of explicit media.

“**Sex**” means the biological sex indicated on a person’s original birth certificate, or as otherwise required by applicable State or Federal Laws.

“**Violent Student**” means a student who:

1. Commits an act of violence upon any person while on school property or under school supervision.
2. Threatens another using any instrument that appears capable of causing physical injury or death; or knowingly and intentionally damages or destroys district property or personal property.

“**Weapon**” means any object which is not necessary for school activities and which a reasonable person could expect to be used to cause physical harm.

III. Student Rights and Responsibilities

Students Rights

All students have the right to:

- (1) Take part in all district activities on an equal basis.
- (2) Share their account of events with school officials who are authorized to administer disciplinary actions before any penalties are imposed.
- (3) Access school rules and receive an explanation of those rules from school personnel.
- (4) To be protected from intimidation, harassment, or discrimination on school property or at a school sponsored event, function, or activity.

Student Responsibilities

All district students have the responsibility to:

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- (1) Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- (2) Be familiar with and abide by this policy.
- (3) Attend school every day unless they are legally excused and be in class on time, prepared to learn.
- (4) Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- (5) Follow direction given by school personnel in a respectful, positive manner.
- (6) Work to develop mechanisms to control their emotions.
- (7) Ask questions when they do not understand.
- (8) Seek help in solving problems that might lead to discipline.
- (9) Dress appropriately for school and school functions.
- (10) Accept responsibility for their actions.
- (11) Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct.
- (12) To respect one another and treat each other fairly and civilly in accordance with this Code of Conduct.

IV. Essential Partners

The Board of Education recognizes the essential roles of all members of the school community, including parents, students, and all school personnel in promoting a positive, healthy and harassment free environment.

Parents

All parents are expected to:

- (1) Recognize that the education of their child 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) Keep text and phone communications with their children to a minimum during the school day. Such communication may disrupt their child's learning and smooth operation of the teacher's classroom.
- (5) Ensure absences are excused.
- (6) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- (7) Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
- (8) Know school rules and help their children understand them.
- (9) Convey to their children a supportive attitude toward education and the district.
- (10) Build good relationships with teachers, other parents, and their children's friends.
- (11) Help their children deal effectively with peer pressure.
- (12) Inform school officials of changes in the home situation that may affect student conduct or performance.

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- (13) Provide a place for study and ensure homework assignments are completed.
- (14) Attend an informal conference if their child has been removed from class for being disruptive.
- (15) Teach their children respect for themselves and for other students.

All Staff

All district staff are expected to:

- (1) Show a commitment to teaching and a focus on student success, actively contributing to student achievement.
- (2) Build good relationships with administration, teachers, parents, and children.
- (3) Know school policies and rules and assist in enforcing them in a fair and consistent manner.
- (4) Report incidents of discrimination and harassment to the building administrator in a timely manner.
- (5) Maintain a climate of mutual respect.

Coaches and Extra-Curricular Advisors

All district interscholastic coaches and extra-curricular advisors are expected to:

- (1) Create a practice/game environment that is conducive to learning.
- (2) Enforce the Coaches Handbook in a fair and consistent manner.
- (3) Maintain regular communication with all student participants, parents, and administrators. Communicate the following to parents and student participants:
 - a) Rules, expectations, and requirements and consequences for infractions of rules.
 - b) Coaching and team philosophies

Teachers

All district teachers are expected to:

- (1) 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
- (2) Communicate regularly with students, parents and other teachers concerning growth, achievement, and behavior.

School counselors and social workers

All district school counselors and social workers are expected to:

- (1) Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
- (2) Initiate teacher/student/counselor conferences and conferences, as necessary, to resolve problems.
- (3) Social workers should collaborate with outside agencies to assist in solving family issues.

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Principals

All district principals are expected to:

- (1) Promote a safe, orderly, and stimulating school environment, supporting teaching and learning.
- (2) Ensure that students and staff have the opportunity to communicate regularly with the principal for redress of grievances.
- (3) Be responsible for enforcing the code of conduct and resolve disputes promptly and fairly.
- (4) Follow up on any incidents of discrimination and harassment in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

Superintendent

The district superintendent is expected to:

- (1) Promote a safe, orderly, and stimulating school environment.
- (2) Review the policies of the board of education and state and federal laws relating to school operations and management with district administrators.
- (3) Inform the school board about trends relating to student discipline.
- (4) Work with district administrators to enforce the code of conduct and ensure that all cases are resolved promptly and fairly.

Board of Education

The board of education is expected to:

- (1) 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 annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- (3) Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- (4) Appoint a well-trained Dignity Act Coordinator in each school building to address questions and offer consultation.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable 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 dress, grooming and appearance, including hair style/color, jewelry, make-up and nails should:

- 1) Be safe, appropriate, and not disrupt or interfere with the educational process.
- 2) Recognize that revealing garments are not appropriate.
- 3) Ensure that underwear is completely covered with clothing.

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- 4) Students should not wear clothing or footwear that is traditionally worn to bed or for sleeping.
- 5) Always include footwear. Footwear that is a safety hazard will not be allowed. Shoes with rolling devices (Healies) are strictly forbidden.
- 6) Not include the wearing of winter coats and/or outerwear garments upon entry into the school building, until the end of the school day.
- 7) Not include items that are vulgar, obscene, libelous, or denigrating to others.
- 8) Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

The building principal or designated representative will inform students and parents of the dress code at the start of the school year and notify them of any changes. They are also responsible for enforcing the dress code. Students violating the code must adjust their attire; refusal to comply will lead to disciplinary actions, ranging from in-school suspension for the day to potential out-of-school suspension for repeat offenses.

VI. Prohibited Student Conduct

Student conduct in the Broadalbin-Perth School District is based upon three basic premises:

- 1) Respect Yourself
- 2) Respect Others
- 3) Respect Property

Appropriate student behavior is essential for effective teaching and learning. Our aim is for students to be self-disciplined and responsible for their actions. The following rules emphasize safety and respect for others' rights and property. Violators will face disciplinary measures, potentially including suspension. Violations include:

Engaging in conduct that is disorderly. Examples of disorderly conduct include:

- 1) Running in hallways.
- 2) Making unreasonable noise.
- 3) Using language or gestures that are profane, lewd, vulgar, or abusive.
- 4) Obstructing vehicular or pedestrian traffic.
- 5) Engaging in any willful act which disrupts the normal operation of the school community.
- 6) Trespassing, Students are not permitted in any school building other than the one they regularly attend without permission from the administrator in charge of the building.
- 7) Misusing electronic communications: unauthorized use of hardware or software, visiting inappropriate websites, bypassing the district's content filters, or instant messaging in violation of the district's acceptable use policy.
- 8) Bullying, harassment, or discrimination as defined in this policy.
- 9) Propping any exterior door or allowing entry to the school building for any person who should properly enter through the main, secure entrance. This includes students who are late and any visitor.

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Engaging in conduct that is insubordinate or disruptive. Examples of such conduct include:

- 1) Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students.
- 2) Using phones or other electronics in a manner that disrupts the smooth functioning of classroom activities or school events.
- 3) Lateness for, missing, or leaving school without permission.
- 4) Skipping class or skipping detention.
- 5) Demonstrating disrespect or lying to school personnel.

Engaging in conduct that is violent. Examples of violent conduct include:

- 1) Committing, attempting, or threatening an act of violence (such as hitting, kicking, punching, biting, and scratching) upon any person.
- 2) Engaging in bullying or intimidation, as defined above.
- 3) Possessing, threatening the use of, or displaying what appears to be a weapon.
- 4) Intentionally defacing, damaging, or destroying the personal property of any person.
- 5) Intentionally damaging or destroying school district property.

Engaging in conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:

- 1) Stealing the property of the district or any person on school property.
- 2) Defamation
- 3) Discrimination
- 4) Harassment
- 5) Hazing
- 6) Reckless or unlawful driving.
- 7) Sexual Harassment.
- 8) Downloading, selling, using or possessing obscene material.
- 9) Using vulgar or abusive language, cursing or swearing.
- 10) The use of any tobacco product.
- 11) Possessing, using, or distributing any intoxicating substances or related paraphernalia, including alcohol and drugs, or being under their influence
- 12) Illegally using, possessing, selling, distributing, or sharing prescription and over-the-counter drugs.
- 13) Gambling.
- 14) Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- 15) Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- 16) Violating privacy in school restroom.

It is a violation of this code of conduct to record video of fights or medical emergencies for the purpose of sharing in group chats or uploading to the internet.

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Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

Engage in any form of academic misconduct. Examples of academic misconduct include:

- 1) Plagiarism.
- 2) Cheating.
- 3) Copying.
- 4) Altering records.
- 5) Assisting another student in any of the above actions

Student Spectators

As a participating member of NYSHPHAA Section II, the district enforces all Section II athletic competition spectator rules. All students are expected to exhibit proper conduct, as prescribed by the student code of conduct, at all school sponsored extracurricular activities. Students who violate school rules at such events will be subject to disciplinary action up to and including suspension from school.

VII. Reporting Violations

Students must promptly report code violations to a teacher, counselor, or principal. Observations of weapons, alcohol, or illegal substances on school premises should be immediately reported to a staff member or superintendent. Authorized staff should promptly and fairly enforce disciplinary actions. Staff without such authority should report code violations to their supervisor for appropriate action or referral to authorized personnel.

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

The principal or designee must inform local law enforcement of code violations that are crimes, ideally as soon as possible, but no later than the end of the business day. Notification should be via phone, followed by a same-day letter, detailing the student involved and the criminal conduct.

Staff aware of potential harassment or discrimination must immediately comply with relevant policies (e. g. Policy #3240) and report the incident up the chain of command for investigation. The district will then, depending on the outcome of the investigation, take prompt steps to resolve the issue and prevent recurrence.

Intervention for Harassment and Discrimination

Trained staff will intervene in harassment and discrimination incidents using balanced, age-appropriate responses. Remedial measures may address individuals or the environment and range

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from behavioral plans to systemic prevention programs. Interventions also support the specific student, aiming to promptly end harassment, eliminate hostile environments, and prevent recurrence. Ongoing supports and accommodations for affected students are reviewed to ensure safety and effectiveness. For a complete guide on rights and procedures related to harassment and discrimination, students and staff should consult District Policy #3240 and Regulation #3240-R. These documents detail reporting mechanisms, investigation procedures, and timelines, and cover interactions among all school-related individuals. They also outline the right to present evidence and receive a written outcome of investigations.

Retaliation Prohibited

Retaliation against anyone involved in reporting or investigating harassment or discrimination is prohibited and subject to disciplinary action, potentially including suspension or termination. This includes any form of intimidation, threats, or harassment. Victims and alleged perpetrators have the right to representation during investigations and hearings. They may also file complaints with relevant federal and state agencies. Employee victims can additionally file with the Equal Employment Opportunity Commission and the New York State Division of Human Rights. These provisions don't limit the right to file a lawsuit.

VIII. Disciplinary Penalties, Range of Penalties, Procedures & Referrals

Discipline aims to address issues promptly and fairly, focusing on fostering self-discipline in students. When disciplinary action is needed, it will be tailored to the student and the situation, considering factors such as age, offense severity, disciplinary history, and other relevant information. Generally, penalties will escalate for repeated violations. If a student's misconduct is related to a disability, special education guidelines will be followed. Students guilty of harassment or discrimination may be directed to counseling.

Range of Penalties

Students found in violation of the district's code of conduct may face one or multiple penalties. The following list offers examples of these penalties, in progressive severity:

- 1) Oral warning
- 2) Written warning.
- 3) Written notification to parents.
- 4) Detention.
- 5) Suspension from transportation
- 6) Suspension from athletic participation
- 7) Suspension from social or extracurricular activities
- 8) Suspension of other privileges
- 9) In-school suspension
- 10) Reduction in assigned grade.
- 11) Removal from classroom by teacher
- 12) Short-term suspension from school
- 13) Long-term suspension from school
- 14) Permanent suspension from school

Each penalty will be imposed consistent with the student's right to due process.

Due Process Procedures

The level of due process a student receives depends on the severity of the penalty. School staff must always inform the student of the alleged violation and conduct investigations as necessary.

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Students have the right to share their own account of events. For penalties beyond oral or written warnings or parent notifications, additional rights apply, as outlined below.

Detention/Academic Make-Up

After school detention will be used as a penalty for student misconduct in situations where removal from class or suspension are inappropriate. If necessary, the school will provide transportation home to all students who are required to serve such a penalty.

Suspension from Transportation

If a student misbehaves on a bus, the driver reports it to the building administrator. Serious offenses may lead to suspended bus privileges, making parents responsible for transportation. This type of suspension doesn't warrant a full legal hearing (Education Law §3214), but an informal conference with the administrator will be arranged for discussion.

Suspension from athletic participation, extra curricular activities and other privileges

A student subjected to suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building administrator or designee to discuss the conduct and the penalty involved.

In-school suspension

The board allows administrators to use in-school suspension as an alternative to full suspension for code violations. Students receiving in-school suspension aren't entitled to a full legal hearing but will have a chance for an informal conference with the administrator to discuss the situation.

Teacher removal of disruptive students

A teacher can remove a disruptive student from only their class for up to three days. Generally, classroom management techniques, like short-term "time-out" or referral to an administrator or counselor, can help maintain a positive atmosphere. These methods aren't considered formal disciplinary removals.

Before removal, teachers are advised to follow these steps:

- 1) Use a classroom management plan
- 2) Document incidents
- 3) Contact parents
- 4) Consult with the building administrator.

If a student is removed from class:

- 1) Before removal, the teacher must inform the student of the reason and allow the student to give their side of the story.
- 2) The teacher must fill out a disciplinary form and discuss it with the principal or their designee by day's end.
- 3) Within 24 hours, the principal must notify parents in writing about the removal, reasons, and their right to an informal meeting.
- 4) Written notices are courier-delivered and, if possible, followed by a phone call.
- 5) The teacher who ordered the removal may need to attend the informal parent-principal meeting.

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- 6) If the student denies charges during the informal meeting, which must happen within 48 hours, the principal will explain the removal and let parents present the student's side.
- 7) Removed students will be offered alternative instruction.
- 8) Teachers and principals maintain logs of all removals.
- 9) For students with disabilities, removal must comply with state and federal laws.

The principal can overturn a removal until the end of the next business day following a requested 48-hour informal conference if:

- 1) Evidence doesn't support the charges.
- 2) The removal violates law or district code.
- 3) The behavior merits a school-wide suspension under Education Law §3214.

If a student is an immediate threat, teachers can remove them instantly but must explain why and allow the student to share their side within 24 hours.

Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend, but places responsibility for the suspension of students with the superintendent and the building principals.

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

Under Education Law §3214(3), if the superintendent or principal (suspending authority) intends to suspend a student for up to five days, they must immediately notify the student verbally. If the student denies misconduct, an explanation for the proposed suspension must be given. Parents must also receive written notice within 24 hours, including the option for an immediate informal meeting with the suspending authority. This meeting and notice must be in the parents' primary language. Immediate suspension can occur if the student poses a threat, with a meeting taking place as soon as practicable afterward.

Post-conference, parents receive the suspending authority's written decision. If unsatisfied, they can appeal in writing to the superintendent within five business days, and the student remains suspended if a threat persists. The superintendent's decision shall be delivered within 10 business days. Further dissatisfaction can be appealed to the board of education within another 10 business days. Board decisions can be appealed to the Commissioner of Education within 30 days.

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

If the superintendent considers a suspension over five days, the student and parents are notified of their right to a fair hearing, where they can have legal representation, question witnesses, and present evidence. The superintendent may either preside over the hearing or designate a hearing officer, who has authority to issue subpoenas and administer oaths. A recording suffices as a hearing record. The hearing officer's findings are advisory; the superintendent can adopt any or all parts.

Decisions by the superintendent can be appealed to the board within 10 business days in writing, unless extraordinary circumstances exist. The board's decision is based on the existing record and can uphold or modify the superintendent's decision. This final decision can be appealed to the Commissioner within 30 days.

Permanent Suspension:

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Permanent suspension is used only in extreme cases where a student's actions threaten lives. The decision is made in accordance with Education Law §3214, through a superintendent's hearing.

Minimum Periods of Suspension

Students who bring a weapon to school:

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

- 1) The student's age.
- 2) The student's grade in school.
- 3) The student's prior disciplinary record.
- 4) The superintendent's belief that other forms of discipline may be more effective.
- 5) Input from parent, teachers and/or others.
- 6) Other extenuating circumstances.

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

Students who commit violent acts other than weapon possession, as defined by NYS law, are subject to a 3-5 day suspension. For a minimum three-day suspension, students and parents get notice and an informal conference, like all short-term suspensions. For suspensions over five days, they have the same rights to a hearing as those facing long-term suspension. The superintendent can adjust the three-day minimum on a case-by-case basis.

Referrals

1) PINS Petitions

The 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 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 in violation of Penal Law S 221. 05. A single violation of S 221. 05 will be a sufficient basis for filing a PINS petition.

2) Juvenile Delinquents and Juvenile offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile Delinquency proceeding before the Family Court:

- a) Any student under the age of 16 who is found to have brought a weapon to school.
- b) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law S 1. 20 (42).

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- c) The superintendent is required to refer students aged 16 or older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement agency.

IX. Weapons in School

No student shall possess a weapon, as defined above, while on school property. or under district supervision

If a student is found to have brought a weapon to school, the Superintendent may alert law enforcement and will notify the student's parents after informing the authorities.

Pursuant to the New York State Guns in Schools Act, any student found to be in the possession of a firearm will be suspended from school for a period of not less than one year, except that the Superintendent of Schools may modify such penalty upon consideration of the particular facts of the case, including but not limited to the totality of the circumstances surrounding the offense and the student's previous record.

Such consideration will be made in the context of a disciplinary hearing held pursuant to Education Law §3214 prior to the imposition of any student suspension in excess of five (5) days. This policy shall not override or alter any obligation of the district to provide the suspended student with appropriate alternate education during the suspension, if required.

All individuals, other than authorized law enforcement personnel, are strictly prohibited forbidden to possess a weapon on school district property or at school sponsored events. Any individual not authorized to possess a weapon (i.e. law enforcement) will be asked to leave the premises and the proper law enforcement personnel will be immediately notified. If the individual is a District employee, (s)he will also be subject to discipline pursuant to law and any applicable collective bargaining agreement provision.

X. Alternative Instruction

When a student of compulsory attendance age (6-16) is suspended from school or removed from class, the district will provide alternative instruction according to NYS Education Law §3214.

The Broadalbin-Perth Central School District utilizes the alternative education programs explained below:

In-school Suspension

- 1) Utilized for students who act out within the classroom setting or violate the code of conduct.
- 2) Students are assigned to a supervised room isolated from other students.
- 3) Students may continue academic work that they would complete in a regular classroom setting.
- 4) The maximum duration for each in-school suspension is five days per incident.

Out of School Suspension

- 1) Students who are suspended from school may access tutoring through the out of school tutoring program. Tutoring will take place from 2:30 p. m. - 4:30 p. m.

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Early Admittance to Vocational Education

- 1) A student who is at risk as a potential dropout may be admitted to a vocational education program earlier than the Junior year.
- 2) The school counselor, principal and parents will need to discuss the educational ramifications of such a placement.

Alternative Education Programs Administered by BOCES

- 1) A student who is at risk as a potential dropout may be admitted to this program.
- 2) The school counselor, principal and parents will need to discuss the educational ramifications of such a placement.
- 3) The alternative education principal and his staff will be involved in the decision making process.

XI. Discipline of Student with Disabilities

The Code of Conduct for students with disabilities is different enough to warrant a distinct policy. Please refer to Policy #3410. 1

XII. Student Searches and Interrogations

The board aims for a safe, orderly environment on school premises and at school events. School officials, with the authority to impose disciplinary actions, can question students about suspected violations of law or district code without needing to give a "Miranda"-type warning or contacting parents first. However, students will be informed of the reason for questioning.

The superintendent and building principals are authorized to search students and their belongings if there's reasonable suspicion of a violation. Minimal, non-intrusive searches, like patting a bag, can be conducted without reasonable suspicion if there's a legitimate reason. Searches can also be based on reliable informant tips, and an attempt should be made to obtain the student's admission or consent before a search.

Searches will be as limited as necessary to locate evidence, and ideally, conducted privately with the student present. The principal, or their designee, can search a student's vehicle on school property if there's reasonable suspicion of substance abuse or some other violation of this Code (e.g. weapons).

Student Lockers, Desks and other School Storage Places

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

Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

The building principal or designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police.

Police and SRO Involvement in Student Searches and Interrogations:

School officials collaborate with both local police and School Resource Officers (SROs) to ensure school safety. While both have roles in law enforcement, their authority to interview or search students on school property is subject to specific conditions:

- 1) A search warrant,
- 2) Probable cause for a school-related crime which is on-going and of an emergency situation, or
- 3) An invitation from school officials.

Before any police or SRO questioning or search in other than emergency situations, the principal or their designee will attempt to notify parents for consent and presence.

Students retain their legal rights during any police or SRO interactions on school property:

- 1) They must be informed of these rights.
- 2) They may choose to remain silent.
- 3) They can request an attorney.

This framework aligns with legal requirements and clarifies the distinct roles of police officers and SROs within the school setting.

Child Protective Services (CPS) Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the building principal or designee. The principal or designee shall set the time and place of the interview. The building principal or designee shall be present during all CPS services interviews. If the nature of the allegations is such that it may be necessary for the

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student to remove any of his or her clothing in order for the child protective services workers to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

XIII. 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 or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

- (1) Anyone who is not a regular staff member or student of the school will be considered a visitor.
- (2) All visitors to the school are to report to the office of the principal upon arrival at the school. There they will be required to provide legal identification which will be scanned and checked against a registry of sex offenders. They must sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while on school grounds.
- (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 building principal and 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 the visitor.
- (6) Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. School Resource Officers or local police may be asked to intervene 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.

XIV. Public Conduct On School Property

The Board of Education recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. Any action by an individual or groups aimed at disrupting, interfering with or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to affect this policy as required by Education Law Section §2801.

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The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order.

Public Conduct on School Property

These rules govern the conduct of all persons, whether or not their presence is authorized, on district property. For any athletic event, Section II rules are always in effect.

Prohibited Conduct

No person, either singly or in concert with others, shall:

- 1) Willfully cause physical injury to any person or threaten to do so, for the purpose of compelling them to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
- 2) Physically restrain or detain any person, or remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 7350, Corporal Punishment Policy;
- 3) Willfully damage or destroy district property, or remove or use such property without authorization;
- 4) Without permission, expressed or implied, enter into any private office of an employee;
- 5) Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- 6) Without authorization, remain in any building or facility after it is normally closed;
- 7) Refuse to leave any building or facility after being required to do so by an authorized employee;
- 8) Obstruct the free movement of persons and vehicles on school property;
- 9) Deliberately disrupt the orderly conduct of any school function or deliberately interfere with the freedom of any person to express his/her views;
- 10) Possess a weapon (as defined in this policy) on school property without the written authorization of the Superintendent of Schools, whether or not a license to possess the same has been issued to such person;
- 11) Willfully incite others to commit any of the acts herein prohibited; and/or
- 12) Intimidate, harass or discriminate against any person on school grounds or at a school function.

Penalties and Procedures

Violators of these rules will face the following penalties and procedures:

- 1) Authorized visitors who violate rules will have their permission to remain revoked and must leave immediately or face ejection.
- 2) Uninvited visitors or trespassers are subject to immediate ejection.
- 3) Students in violation face disciplinary actions under Education Law §3214, which may include suspension, probation, loss of privileges, or warnings, and are also subject to ejection.

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- 4) Tenured faculty members may face ejection, warning, reprimand, or suspension as outlined in Education Law 3020-a and any collective bargaining agreement.
- 5) Civil service staff members are subject to penalties under Civil Service Law Section 75 or any collective bargaining agreement and may also be ejected.
- 6) Other staff not covered in items 4 and 5 may face dismissal, unpaid suspension, or censure, along with possible ejection.
- 7) Additional penalties as prescribed by law or policy may also apply.

Enforcement Program

- 1) The Superintendent is responsible for enforcing these rules and will appoint authorized personnel to assist in implementation.
- 2) For violations that don't pose an immediate threat, officials will try to identify the cause of the violation and encourage compliance, issuing a warning if non-compliance persists.
- 3) If warnings are ignored or in cases of deliberate violation, officials will eject the violator and may involve SROs/police. Disciplinary actions may also be initiated.
- 4) The Superintendent may seek external assistance, including legal action, to enforce these rules when deemed necessary.

XV. Corporal Punishment

The term Corporal Punishment means any act of physical force upon a pupil for the purpose of punishing that pupil. Corporal Punishment is prohibited in the Broadalbin-Perth Central School District.

Corporal Punishment shall not mean the use of reasonable physical force for any of the following purposes:

- 1) to protect oneself from physical injury;
- 2) to protect another person from physical injury.
- 3) to protect the property of the school or of others;
- 4) to use reasonable physical contact to restrain a pupil from leaving the immediate area where he is receiving directions, counsel or a reprimand.

Reporting Process

- (1) any complaint about the use of corporal punishment by a staff member is to be reported in writing to the Superintendent.
- (2) the Superintendent or his designee will investigate the complaint.
- (3) where a violation of the district's corporal punishment policy is found, the Superintendent will take appropriate disciplinary action.
- (4) A report of the resolution of the complaint will be sent to the complainant and the Board of Education.
- (5) A file of the complaint and its resolution will be kept in the district's office.

XVI. Dissemination and Review

Community Awareness and Staff Training:

- 1) Distribute a plain-language summary of the code to students at an annual assembly.
- 2) Provide code copies to parents at the start of the school year.
- 3) Mail a plain-language summary to parents before the school year and offer additional copies upon request.
- 4) Give current staff the code and any updates as soon as they're adopted.
- 5) Provide new hires with the current code upon employment.
- 6) Make the code accessible for review by the community.

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The board will also offer in-service training for staff to implement the conduct policy effectively. This includes fostering a safe environment, discouraging discrimination and harassment, and equipping staff with strategies to address and prevent such issues.

Code of Conduct Review and Updates:

- 1) The board will annually review and update the code, assessing its effectiveness and fairness.
- 2) An advisory committee may assist in the code's review.
- 3) At least one public hearing will precede any code revisions, allowing for community input.
- 4) The complete, updated code will be posted on the district's website.
- 5) The code of conduct will be filed with the Commissioner within 30 days of adoption.

Adopted: October 16, 2023