

**MANCHESTER-SHORTSVILLE CENTRAL  
SCHOOL DISTRICT  
“Red Jacket Schools”**

***Code of Conduct***  
**2023-2024**

**Public Hearing: July, 12, 2023  
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## **Introduction**

The Manchester-Shortsville Central School District Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal. Accordingly, in collaboration with students, parents, teachers and administrators, the Board has established this Code of Conduct. It applies to all students, school personnel, parents, vendors and other visitors when on school property, in school vehicles or in attendance at 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.

The district has a long-standing set of expectations for conduct on school property and at school functions (see Board Policy #3410). These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to 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”).

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## I. Definitions

For purposes of this code, the following definitions apply.

**Alcohol and other Substance Use/Abuse** means possession, purchase, distribution, consumption, being under the influence, or sale of illegal substances, alcoholic beverages, tobacco products, or drug paraphernalia on school property, on a school vehicle or at a school function.

**Cyberbullying** means harassment/bullying (as defined below) 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 by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

**Disruptive student** means a student who is substantially disruptive of the educational process or substantially interferes with the teacher's ability to teach and classmates' ability to learn.

**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 the educational process.

**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.

**Gender** means actual or perceived sex and includes a person's gender identity or expression.

**Harassment/Bullying** means the creation of a hostile environment by threats, intimidation or abuse (including cyberbullying) 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (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 creates 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 the purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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 generally involves the following characteristics:

***An imbalance of power:*** People who bully use their power, such as physical strength, access to embarrassing information, or popularity - to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

***The intent to cause harm:*** The person bullying has a goal of causing harm.

***Repetition:*** Bullying behaviors generally happen more than once or have the potential to happen more

than once.

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 inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs when possession is unauthorized, or such are inappropriately used or shared with others, or any product which, when misused, will result in an impaired or altered state. Illegal substances also include any paraphernalia related to these substances.

**Informal conference** is an open-ended discussion of a disciplinary incident to include the student and/or parent and principal 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** 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 occurs 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** within the context of teacher removal of a student from class, 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 a biological, adoptive or foster parent, guardian, or person in parental relation to a student.

**Retaliation** means when any employee, student, or visitor mistreats any person because he/she reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying. It is possible that an alleged harasser may be found to have retaliated if the underlying complaint is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment 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 for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**School function** means any school-sponsored event or activity on or off school property.

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

**Sexual orientation** means actual or perceived heterosexuality, homosexuality or bisexuality.

**Tobacco Product** means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products.

**Violent Pupil** means a student who:

1. Commits an act of violence upon a school employee
2. Commits and act of violence upon another student or any other person on school property or at a 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 to use a weapon on school property or at a school function
6. Knowingly and intentionally damages or destroys the personal property of any person on school property or at a school function
7. Knowingly and intentionally damages or destroys school district property

**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 if a person has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

**Weapon** means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act (See BOE Policy #7360). It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling-shot, metal knuckle knife, pocket, pen, or other knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun guns, pepper spray or other noxious spray, explosive or incendiary device, look-alike, toy or replica/fake weapons, or any other device, instrument, material or substance (Other Item) that can cause physical injury or death when used to cause physical injury or death, or when such Other Item is brandished as a weapon.



## II. Essential Partners

Providing a safe and orderly school environment involves a partnership of parents and school personnel. The following are expectations of each.

### A. **Parents**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community
2. Send their children to school ready to participate and learn
3. Ensure their children attend school regularly and on time
4. Ensure 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 positive relationships with teachers, counselors, 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 teachers' requirements to complete school assignments
13. Initiate parent/student/teacher/counselor/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**

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. Are 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 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
- 9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
- 10. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner

C. ***Counselors/Psychologists***

- 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. Assess 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. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a counselor's/psychologist's attention in a timely manner

D. ***Principals***

- 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. Are 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 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
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
11. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a principal's attention in a timely manner

E. ***Superintendent***

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Review the policies of the Board and state and federal laws relating to school operations and management with district administrators
3. Ensure that staff and parents have the opportunity to communicate with the superintendent
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
5. Work with district administrators, when appropriate, in reinforcing the Code of Conduct to ensure that 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 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
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. Adopt, review at least once a year, and modify as appropriate, the Code of Conduct

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 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

### III. Student Conduct

#### A. *Student Rights and Responsibilities*

All 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 extracurricular 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. Be free from bullying, discrimination, harassment and retaliation on school property or school functions including but not limited to the educational program, activities, or admission policies of their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status

All students have the responsibility to:

1. Work toward personal growth
2. Be honest with themselves and others
3. Show respect for fellow students, teachers, and all school district staff
4. Perform all assignments to the best of their ability
5. Consider their education as a preparation for the future
6. Obey all school rules and regulations
7. Respect public, private, and school property
8. Attend school regularly and punctually, and in accordance with the law
9. Develop high moral standards and the courage to live by them
10. Strive for mutually respectful relationships and comply with reasonable requests of teachers, administrators, and other district staff
11. Inform an adult in the school about any threat to safety within the school environment
12. Take full advantage of educational opportunities available at school
13. Learn and practice civic responsibility
14. Not participate in 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

## B. ***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 jewelry, make-up, nails, and other accessories shall meet the following standards:

1. Be safe, appropriate and not disrupt or interfere with the educational process. Such items that may be disruptive include, but are not limited to: gang-related attire, trench coats, overly bulky clothing, flags, capes, spiked clothing/jewelry, chains hanging from clothing, etc.
2. Not expose the gluteal area or chest, and student may not wear clothing through which these areas of the body are visible.
3. Ensure that underwear or undergarments are completely covered with outer clothing. Clothing may not contain any holes, rips, tears, or sheer portions allowing underwear or undergarments to be seen through clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of sunglasses except for a medical or purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, political beliefs or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, marijuana or illegal drugs and/or encourage other illegal, violent or sexual activities; including messages that are innuendos or have double meanings.
8. Ensure that all PE clothes MUST fulfill the dress code requirements.

Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so. Nothing in this Dress Code will be construed to limit the ability of students to wear certain protective hairstyles (including but not limited to braids, locks, and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

Each building principal or his or her designee shall be responsible for informing all 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. All staff will enforce the dress code.

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

repeatedly fails to comply with the dress code or violates the dress code by wearing the same inappropriate article of clothing shall be subject to further discipline, up to and including detention or in-school suspension.

### **C. *Behavior-Related Offenses and Consequences***

The Board of Education and School District expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board and District personnel recognizes the need to make 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 usually 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 principal and, if warranted, shall be administered consistent with the separate requirements for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall be disciplined according to a manifestation determination process.

### **D. *Prohibited Student Conduct***

Students may be subject to disciplinary action, up to and including suspension from school, when they:

1. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:

- a. Running in hallways.
- b. Making unreasonable noise.
- c. Using language or gestures that are profane, lewd, vulgar, abusive or disrespectful.
- d. Obstructing vehicular or pedestrian traffic.
- e. Engaging in any willful act which disrupts the normal operation of the school community.
- f. 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. Nor are they permitted in any classroom or any school room without a bona fide reason or the express permission of a teacher or administrator.
- g. Trespassing after hours. Students are not permitted in any school building after hours without permission from the administrator in charge of the building.
- h. Misusing computer systems/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:

- a. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- b. Lateness for, missing or leaving school without permission.
- c. Failing to attend an assigned detention.

3. Engage in conduct that is disruptive.

"Disruptive student" means an elementary or secondary student who is substantially disruptive of the educational process or substantially interferes with the teacher's ability to teach and the students' ability to learn. Examples of disruptive conduct include, but are not limited to:

- a. Continually impeding the teaching and learning environment.
- b. Continually interfering with the teacher's ability to teach and the students' ability to learn.
- c. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- d. Inappropriate public sexual contact.
- e. Display or use of personal electronic devices, such as, but not limited to cell phones, iPods, digital cameras, in a manner that is in violation of District policy, without the permission of a staff member.



- f. Take recordings of other students or staff members without their written permission, including the use of these online. If the student is a minor (under 18), without the written permission of a parent or guardian.

4. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:

- a. Committing, or attempting, or planning to commit an act of violence upon a teacher, administrator or other school employee.
- b. Committing, or attempting, or planning to commit an act of violence upon another student or any other person lawfully on school property.
- c. Possessing a weapon as per the definition found in this Code. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- d. Displaying what appears to be a weapon as per this Code.
- e. Threatening to use a weapon as per this Code.
- f. Intentionally damaging or destroying the personal property of a teacher, administrator, student, other District employee or any person lawfully on school property, including graffiti or arson.
- g. Intentionally damaging or destroying school property, including District computer systems and data.

5. Engage in any conduct that endangers the safety, health, or welfare of others, or compromises the authority of school officials. Examples of such conduct include but are not limited to:

- a. Lying to school personnel.
- b. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function, including data, equipment, and intellectual property.
- c. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- d. Discrimination, which includes the use of race, color, creed, national origin, religion, gender/gender identity/gender expression, religious practices, sex, sexual orientation, weight, disability or socio-economic status as a basis for treating another in a negative manner.
- e. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- f. Intimidation, which includes engaging in actions or statements that put an individual in fear of personal harm.
- g. Cyber bullying, which includes but is not limited to the misuse of emails, instant messages, text

- messages, digital pictures or images, web postings (including blogs), social media, chat rooms, and/or similar technologies and/or forums to torment, threaten, harass, humiliate, or embarrass another individual.
- h. Hazing, which includes any intentional or reckless action directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
  - i. Possessing, purchasing, consuming, selling, distributing or exchanging obscene materials.
  - j. Using vulgar or abusive language, cursing or swearing.
  - k. Possessing, purchasing, using, consuming, selling, distributing or exchanging tobacco products, including cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, vaporizers, JUULs, cloves, bidis and kreteks as well as matches and lighters.
  - l. Possessing, purchasing, consuming, selling, distributing or exchanging alcoholic beverages.
  - m. Possessing, purchasing, consuming, selling, distributing or exchanging illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, ecstasy, synthetic cannabinoids, any substances commonly referred to as "designer drugs," which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption, such as bath salts.
  - n. Possessing, purchasing, consuming, selling, distributing, exchanging or unauthorized use of prescription and over-the-counter drugs except as permitted (see Board Policy #7513)
  - o. Gambling.
  - p. Indecent exposure (e.g., exposure to sight of the private parts of the body in a lewd or indecent manner).
  - q. Initiating a report warning of fire or other catastrophe without valid cause, pulling a fire alarm without valid cause, misuse of 911, or discharging a fire extinguisher.
  - r. Engaging in threatening or reckless behavior that serves to endanger the property or safety of others.
  - s. Use and/or display of electronic media (such as e-mail, text messages, messages sent through social media websites and other such messages) or use of any electronic device to capture picture and or video to knowingly transmit, retrieve, or store any communication (e.g. forwarded emails that contain jokes, pictures, promoting a violation of school rules, etc.) that are:
    - 1. Discriminatory or harassing;
    - 2. Derogatory to any individual or group;
    - 3. Obscene, sexually explicit or pornographic;
    - 4. Defamatory or threatening;
    - 5. In violation of any license governing the use of software;
    - 6. In violation of any other law or rule; or
    - 7. Engaged in for any purpose that is illegal or contrary to this Code or District interests and/or reputation.

- t. Inappropriate dancing. Dance styles must comply with standards of modesty, decency, and safety. Inappropriate dancing includes but is not limited to: slam or mosh dancing, freak dancing, dirty dancing, grinding/bumping, twerking or otherwise inappropriate or dangerous dancing.

6. 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, to avoid distracting the bus driver and to avoid distracting other drivers. Students are required to conduct themselves on the bus and at their bus stop in a manner consistent with established standards for classroom behavior and the Code of Conduct. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.

7. Engage in any form of academic misconduct/dishonesty. Examples of academic misconduct/dishonesty include but are not limited to:

- a. Plagiarism.
- b. Cheating.
- c. Copying.
- d. Altering records.
- e. Assisting another student in any of the above actions.
- f. Accessing other users' email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.

Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- 1. Oral warning – any member of the district staff
- 2. Written warning – bus drivers, support staff, coaches, guidance counselors, teachers, principal, superintendent
- 3. Written notification to parent (referrals) – can be initiated by bus driver, support staff, coaches, guidance counselors, teachers, principal, superintendent
- 4. Detention – support staff, teachers, principal, superintendent
- 5. Extended Detention – principal or designee
- 6. Suspension from transportation – principal, superintendent/designee
- 7. Suspension from athletic participation – coaches, Athletic Director, principal, superintendent/designee
- 8. Suspension from social or extracurricular activities – activity advisor, principal, superintendent/designee
- 9. Suspension of other privileges – principal, superintendent/designee
- 10. In-school suspension – principal, superintendent/designee
- 11. Removal from classroom by teacher – teachers, principal/designee
- 12. Short-term (five days or less) suspension from school (see Board Policy #7313) – principal,

superintendent/designee

13. Long-term (more than five days) suspension from school (see Board Policy #7313) –superintendent  
Board of Education

14. Permanent suspension from school (expulsion) – superintendent, Board of Education

**E. *Information Regarding the Assignment of Penalties***

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

Procedures for students who are to be given penalties other than an oral warning, written warning or written notification to their parents are explained below.

**1. Detention & Extended Detention**

Support staff, teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Extended detention or Saturday detention may also be imposed as a penalty. The student's parent will be notified to confirm that the student has appropriate transportation home following detention.

**2. Suspension From Transportation (see also Board Policy #7340)**

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

A student subjected to a suspension from transportation is not entitled to a 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 principal or the principal's designee to discuss the conduct and the penalty involved.

**3. Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a 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 district official imposing the suspension to discuss the conduct and the penalty involved.

#### 4. In-School Suspension

The Board recognizes the school must balance the needs of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent or designee to place students who might otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a 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 district official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### 5. Teacher Removal of Disruptive Students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to move his/her seating within the classroom, briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s ability to teach and the students’ ability to learn. A substantial disruption of the educational process or substantial interference with a teacher’s ability to teach and the students’ ability to learn occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the student poses a danger or ongoing threat of disruption, the teacher shall order the student to be removed immediately and the building principal shall be notified immediately. The teacher will explain to the principal why the student was removed from the classroom. The building principal will give the student a chance to present his or her version of the relevant events within 24-hours and notify the parent/guardian.

The teacher must complete a district-established disciplinary referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or designee must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. A follow-up written notice will also be provided. The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

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

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

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

## 6. Suspension From School (see also Board Policy #7313)

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

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

The superintendent or 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.

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

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

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

### a. Short-Term (5 days or less) Suspension From School

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

The notice shall provide a description of the charges against the student and the incident for which suspension

is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents/student shall be permitted to ask questions of the suspending authority and complaining witnesses. If the witness is a minor student, his/her parents will be notified to provide consent.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision.

#### b. Long-Term (more than 5 days) Suspension From School

When the superintendent or Board of Education determines that a suspension for more than five days may be warranted, the process outlined above regarding short-term suspension shall apply. The superintendent shall give reasonable written notice to the student and the student's parents of their right to a fair hearing, pursuant to section 3214 of the Education Law. This written notice shall provide the time, date and location of the hearing, the conduct with which the student is being charged and the student's rights regarding the hearing. At the hearing the student shall have the rights:

1. The right to be represented by counsel.
2. If you choose not to be represented by counsel, you have the right to question witnesses.
3. The right to refrain from testifying at said hearing, since the testimony may be used against you.
4. The right to present witnesses on your behalf.
5. The right to have the Superintendent/Hearing Officer issue subpoenas on your behalf.
6. The right to make any statement on your behalf concerning the alleged incidents.
7. The right to have a record of the hearing maintained.

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

The decision of the Superintendent regarding the long-term suspension may be appealed to the Board of Education, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing, specifying the reason for the appeal, and submitted to the board clerk within thirty (30) calendar



days of the date of the superintendent's decision.

There will be no personal appearances before the Board; the appeal will be considered solely in writing. The Board will not convene to consider and decided an appeal unless the full record of the appeal has been compiled and provided to the Board, and at least ten (10) business days remain before the next scheduled Board of Education meeting. If the written appeal is not received and the appeal record has not been compiled in full and provided to the Board at least ten (10) business days before the next scheduled Board meeting, then the appeal will not be considered and decided at that meeting. It will instead be considered at a later regularly scheduled Board meeting.

The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner of Education within 30 days of the 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.

## F. ***Minimum Periods of Suspension for Certain Conduct***

### 1. Students Who Bring A Weapon To School

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

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 parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

**G. *Corporal Punishment***

No employee, district officer or agent of the district shall use corporal punishment against a student. As used in this code, corporal punishment means any act of physical force against a student for the purpose of punishing that student, except as hereafter provided.

In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this code shall be construed to prohibit the use of reasonable physical force for the following purposes:

1. To protect oneself from physical injury;
2. To protect another student or teacher or any person from physical injury;
3. To protect the property of the school or others; or
4. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

**H. *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 have a right to 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.

**1. Authorized Suspensions or Removals of Students with Disabilities**

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

- a. A “suspension” means a suspension pursuant to Education Law § 3214.
- b. 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 or herself or others.
- c. 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.

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 may order the placement of a student with a disability to 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 to 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.
  1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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.

## 2. Change of Placement Rule

- a. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  1. for more than 10 consecutive school days; or
  2. 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
- b. 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 Committee on Special Education (CSE) has determined that the behavior was not a manifestation of the student's disability.

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

- a. The district's Committee on Special Education (CSE) shall:

1. 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.

2. Ensure the District conducts 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 either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- b. 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.
1. 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.
  2. 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:
    - A. conducted an individual evaluation and determined that the student is not a student with a disability, or
    - B. 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.

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.

- c. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either

misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

- d. 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.
- e. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this code.
- f. 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 principal or CSE has determined that the behavior is not a manifestation of the student's disability.
- g. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

#### 4. Expedited Due Process Hearings

- a. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this code, if:
  - 1. 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.
  - 2. 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.
- b. 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.

- c. 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.
- d. 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.

#### 5. Referral to Law Enforcement and Judicial Authorities

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

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

### **IV. Remedial Responses to Violations of the Code of Conduct**

Students who violate this Code may also be referred to remedial action as the facts may warrant, including any of the measures listed below:

- a) peer support groups; corrective instruction or other relevant learning or service experience;
- b) supportive intervention;
- c) behavioral assessment or evaluation;
- d) behavioral management plans, with benchmarks that are closely monitored; and/or
- e) student counseling and parent conferences
- f) restorative practices

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a) school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b) adoption of research-based prevention programs;
- c) modification of schedules;



- d) adjustment in hallway traffic and other student routes of travel;
- e) targeted use of monitors;
- f) staff professional development;
- g) parent conferences;
- h) involvement of parent-teacher organizations;
- i) peer support groups; and/or
- j) restorative practices

## **V. Collaboration with Community Resources and Law Enforcement**

### **A. *Human Services Agencies and Person In Need of Supervision (PINS) Petitions***

When there is evidence of educational neglect, the building Principal, in consultation with the Superintendent, shall determine whether a report to the appropriate agency is warranted.

When there is evidence of child abuse, neglect, or maltreatment, all mandated reporters shall follow the procedures established by law and District Policy.

When a student is frequently absent from or tardy without valid excuse; is habitually disobedient, ungovernable, or non-compliant with this Code of Conduct; or is in possession of marijuana in violation of the Penal Law; then the building Principal, in consultation with the Superintendent, may initiate the pre-PINS diversion process with the appropriate county lead agency. If the District is notified by the responsible county lead agency that no further diversion services are warranted, the building Principal, in consultation with the Superintendent, shall determine whether to initiate a PINS petition in Family Court.

### **B. *Law Enforcement Agencies and Juvenile Delinquency Complaints***

Whether a particular act in violation of this Code is reported to a law enforcement agency shall be determined by the building Principal, in consultation with the Superintendent. When the District utilizes a School Resource Officer who is an employee of a law enforcement agency, the SRO shall be the initial point of reporting.

The following acts shall be reported to an appropriate law enforcement agency, unless the building Principal documents a reason satisfactory to the Superintendent for not doing so: possession of a weapon, possession of any controlled substance (including marijuana), physical assault, any acts of harassment, bullying or discrimination that the Principal believes constitutes criminal conduct and theft or destruction of property having an apparent value over \$100.

Other acts may be reported to a law enforcement agency when the building Principal, in consultation with the Superintendent, determines it is appropriate. When an act is reported to a local law enforcement agency as a

possible crime, it remains the responsibility of the building administrator to collect the information necessary to make a determination as to the appropriateness of disciplinary consequences under this Code.

In general, the person against whom the criminal act was directed should be identified as the complainant where the district attorney decides to initiate a juvenile delinquency petition. The District, or a District employee in their official capacity, may only be identified as the complainant when the Superintendent determines that it is appropriate to proceed in that manner.

## **VI. Visitors to the Schools (See BOE Policy 3210)**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school buildings must enter through the designated single point of entry and report to the office of the Principal upon arrival at the school.
3. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
4. All visitors are expected to abide by the rules for public conduct on school property contained in the School District's code of conduct.
5. All visitors are expected to show a legal photo ID.

During school hours, all visitors shall be required to report to the main office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance in order to allow teachers the opportunity to arrange their schedules to accommodate these requests.

When individual Board members visit the schools, they must abide by the regulations and procedures as set forth in this policy.

## **VII. Public Conduct at School Events**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, parents, community members, teachers and district personnel.

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

order and prevent abuse of the rights of others.

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

## 1. Prohibited Conduct

No person, either alone or with others, shall:

- a. Intentionally injure any person or threaten to do so.
- b. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- c. Disrupt the orderly conduct of classes, school programs or other school activities.
- d. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- e. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- f. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g. Obstruct the free movement of any person in any place to which this code applies.
- h. Violate the traffic laws, parking regulations or other restrictions on vehicles.
- i. Possess, purchase, consume, sell, distribute or exchange alcoholic beverages, illegal substances, tobacco products, marijuana, or be under the influence of such substances on school property or at a school function.
- j. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- k. Loiter on or about school property.
- l. Gamble on school property or at school functions.
- m. Refuse to comply with any reasonable order of identifiable school district officials or designees performing their duties.
- n. Willfully incite others to commit any of the acts prohibited by this code.
- o. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## 2. Penalties

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

- a. 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.

- b. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- c. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- d. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75: They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- e. Staff members other than those described in subdivisions c and d: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### 3. Enforcement

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

When the building principal or his or 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 principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **VIII. 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 staff member. Any staff member who observes, or is made aware of a violation of the Code of Conduct should address the violation directly or report it to an administrator.

Certain acts of misconduct which occur may require the exercise of reasonable judgment by staff in consultation with the principal or superintendent in order to determine whether referral to law enforcement officials is appropriate, or whether the matter will be handled solely through the District's student discipline system. Examples of acts of misconduct which require the exercise of such judgment, but not limited to include fighting, threat of bodily harm to another individual or property, harassment, theft, possession of a weapon, possession of alcohol or an illegal substance, and property damage. The District's staff has the responsibility to

administer district policies, rules and regulations governing student conduct in a reasonable manner, taking into account the age level, maturity and/or disability of the particular student involved, as well as the seriousness of the offense.

### **Reporting Discrimination, Harassment and Bullying**

The school principal 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. 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. Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination shall be prohibited.

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 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 District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

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 will be directed to the Superintendent of Schools. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of district policy;
- ii. forwarded to the program's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

The Principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

Prevention is the cornerstone of the district's effort to address bullying and harassment. *In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the principal at each school to act as the Dignity for All Students Act Coordinator (Dignity Act Coordinator).*

Each 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 thoroughly 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.

The Dignity Coordinators for the District are:

Red Jacket Elementary School:	Jeffrey McCarthy, <a href="mailto:jeffrey.mccarthy@redjacket.org">jeffrey.mccarthy@redjacket.org</a>
Red Jacket Middle School:	Theresa Febrey, <a href="mailto:theresa.febrey@redjacket.org">theresa.febrey@redjacket.org</a>
Red Jacket High School:	Bryon George, <a href="mailto:bryon.george@redjacket.org">bryon.george@redjacket.org</a>

## **IX. Related Board of Education Policies**

Board of Education Policies are under continual update and revision. Please consult the most up to date board policies, particularly regarding student Searches and Interrogations and Fraternization Policies at:

[http://www.redjacket.org/board\\_of\\_ed\\_/policies](http://www.redjacket.org/board_of_ed_/policies)

## **X. Dissemination and Review of the Code of Conduct**

The Board of Education 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. Making copies of the code available to all parents at the beginning of the school year.
3. Providing 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.
4. Providing all current teachers and other staff members with electronic access or a copy of the code and any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with electronic access or a copy of the current Code of Conduct when they are first hired.
6. Making the code available/accessible for review by students, parents and other community members.

The superintendent or designee will ensure the Code of Conduct is reviewed annually by a district review team. In conducting the review, the review team will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The superintendent may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

## **XI. In-Service Educational Programs**

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

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

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