

# MARCELLUS CENTRAL SCHOOLS



# CODE OF CONDUCT

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2024 - 2025

**Approved 9/9/2024 BOE meeting**

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## **CODE OF CONDUCT**

### **I. INTRODUCTION**

The Marcellus Central School Board of Education (“Board”) is committed to providing a safe and orderly learning environment where students may receive and Marcellus Central School personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other Marcellus Central School personnel, parents/guardians, and other visitors is essential to achieving this goal.

Marcellus Central School has a long-standing set of expectations for conduct on school property and at its functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, integrity, and the belief in the educational goals of the organization.

The Board recognizes the need to clearly define these expectations for acceptable conduct on Marcellus Central School District property, identify the possible consequences of unacceptable behavior, and, when necessary, to administer discipline promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”). Additional expectations in support of this Code are included in each school’s handbook.

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians, and other visitors when on Marcellus Central School property or attending a Marcellus Central School function. Additionally, the district has the legal authority and reserves the right to discipline students for off-campus conduct (i.e. conduct that occurs off school property) which adversely affects the educational process. The district also has the legal authority and reserves the right to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

## **II. DEFINITIONS**

For purposes of this Code, the following definitions apply.

### **Disruptive Student**

A student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

### **Parent**

The biological, adoptive or foster parent, guardian or person in parental relation to a student.

### **Marcellus Central School District Property**

In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a Marcellus Central School facility, or in or on a school bus or any school vehicle, operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11[1] and Vehicle and Traffic Law §142).

### **Marcellus Central School Function**

Any Marcellus Central School sponsored extracurricular event or activity.

### **Disability**

(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, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21])

### **Employee**

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 of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

### **Sexual Orientation**

Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

### **Gender**

Actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

### **Harassment**

The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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 or sex. (Education Law §11[7]).

### **Violent Student**

A student under the age of 21 who may be described by any of the clauses below:

1. Commits an act of violence upon a Marcellus Central School employee.
2. Commits, while on Marcellus Central School property or at a Marcellus Central School function, an act of violence upon another student or any other person lawfully on Marcellus Central School property or at a Marcellus Central School function.
3. Possesses while on Marcellus Central School property or at a Marcellus Central School function a weapon.
4. Displays, while on Marcellus Central School property or at a Marcellus Central School function, what appears to be a weapon.
5. Threatens, while on Marcellus Central School property or at a Marcellus Central School function, to use a weapon or any instrument that appears capable of causing physical injury or death.
6. Knowingly and intentionally damages or destroys the personal property of a Marcellus Central School employee or of any person lawfully on Marcellus Central School property or at a Marcellus Central School function.
7. Knowingly and intentionally damages or destroys Marcellus Central School property.

### **Weapon**

A firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause or be perceived to cause serious physical injury or death when used as a weapon.

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

#### **STUDENT RIGHTS**

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

1. A safe, healthy, orderly and civil learning environment.
2. To be respected as an individual.
3. Equal access to course offerings, school services and activities.
4. Present their version of the relevant events to Marcellus Central School personnel authorized to impose a disciplinary penalty prior to the imposition of the penalty.
5. Access to Marcellus Central School rules and, when necessary, to receive an explanation of those rules from Marcellus Central School personnel.
6. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees, students, and/or guests on school property or at a school-sponsored event, function or activity.

#### **STUDENT RESPONSIBILITIES**

All Marcellus Central School students have the responsibility to:

1. Contribute to maintaining a climate of respect and dignity for persons and property, a safe and orderly environment that is conducive to learning.
2. Be familiar with and abide by all Marcellus Central School policies, rules and regulations dealing with student conduct.
3. Attend classes every scheduled day unless legally excused, to be on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to reasonable direction given by teachers, administrators and other Marcellus Central School personnel in a respectful, positive manner to uphold the mission of the school.
6. To express opinions and ideas in a respectful manner so as not to offend, slander, or

- restrict the rights and privileges of others.
7. Ask questions in an appropriate manner when they do not understand.
  8. Seek help in solving problems where anger may become an issue.
  9. Dress appropriately for class and Marcellus Central School functions.
  10. Accept responsibility for their actions.
  11. Conduct themselves as representatives of Marcellus Central School when participating in or attending Marcellus Central School on site/off site sponsored extracurricular events and to hold themselves to the highest standards of conduct.
  12. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination.
  13. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

#### **IV. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS**

##### **PARENTS/GUARDIANS**

All parents/guardians are expected to:

1. Contribute to maintaining a climate of respect and dignity for persons and property, a safe and orderly environment that is conducive to learning.
2. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the educational community.
3. Send their children to educational programs ready to participate and learn.
4. Ensure their children attend class regularly and on time.
5. Ensure absences are legal.
6. Insist their children present themselves in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know Marcellus Central School District rules and help their children understand them to maintain a safe, orderly environment in accordance with the District *Code of Conduct*.



9. Convey to their children a supportive attitude toward education, school personnel and the Marcellus Central School District.
10. Help their children deal effectively with peer pressure, and in solving problems where anger may become an issue.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
14. Encourage reporting of all incidents of bullying/harassment to the district.  
DASA Coordinator for SHS: Lisa Hitchcock  
DASA Coordinator for DMS 7-8: Eric Guercio  
DASA Coordinator for DMS 4-6: Maura McAnaney  
DASA Coordinator for KCH: Bethany Woods  
District DASA Coordinator: Robert Montgomery

## **TEACHERS**

All district teachers are expected to:

1. Contribute to maintaining a climate of respect and dignity for persons and property, a safe and orderly environment that is conducive to learning.
2. Maintain a climate of mutual respect and dignity, respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Be knowledgeable of and carry out the responsibilities as a Marcellus Central School District employee.
4. Demonstrate a commitment to teaching and respond to student achievement
5. Know Marcellus Central School District policies and rules, and enforce them in a fair and consistent manner.
6. Communicate the following to students and parents/guardians: course objectives and

requirements, marking/grading procedures, assignment deadlines, expectations for students, classroom discipline plan.

7. Communicate regularly with students, parents/guardians, administrators and other school personnel concerning student growth and achievement.
8. Read and understand students' IEP or 504 plan and implement any/all accommodations.
9. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, 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 all incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **COUNSELORS/SOCIAL WORKERS**

All School Counselors/School Social Workers are expected to:

1. Contribute to maintaining a climate of respect and dignity for persons and property, a safe and orderly environment that is conducive to learning.
2. Assist students in coping with peer pressure and emerging academic, personal, social and emotional problems.
3. Support teacher/student/counselor conferences and parent-teacher/student/counselor conferences, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise

brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

9. Communicate regularly with students, parents, administrators, and other school personnel to support student growth and achievement.

## **ADMINISTRATORS**

All administrators are expected to:

1. Contribute to maintaining a climate of respect and dignity for persons and property, a safe and orderly environment that is conducive to learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Provide students and staff with the opportunity to communicate regularly with the building administrators.
4. Evaluate and revise on a regular basis the effective safety, behavioral and school management issues related to all instructional programs
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the code of conduct and promoting the prompt and fair resolution of cases.
7. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
9. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

## **SUPERINTENDENT**

The Superintendent is expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Inform the Marcellus Central School District Board about educational policy relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.

## **BOARD OF EDUCATION**

The Board of Education is expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will 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/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.
4. Collaborate with student, teacher, administrator, and parent organizations, Marcellus Central School District safety personnel and other Marcellus Central School District personnel to develop a code of conduct that clearly defines expectations for the conduct

of students, Marcellus Central School District personnel and visitors on Marcellus Central School District property and at Marcellus Central School District functions.

5. Adopt and review at least once each year the Marcellus Central School District Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.

## **ALL OTHER SCHOOL PERSONNEL**

All Other School Personnel are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Be prepared for all of the responsibilities as a Marcellus Central School District employee.
4. Know Marcellus Central School District policies and rules, and enforce them in a fair and consistent manner.
5. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
6. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
7. Assist in promoting a safe, orderly and stimulating school environment.
8. Maintain confidentiality about all personal information and educational records concerning students and their families.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Teachers and all other personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

## STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES

- As a school community, we recognize the dependence on a variety of communication devices to support functions of daily living. It is our responsibility to partner with students and families to support our students in using these devices in a manner that is appropriate to particular situations they may encounter.. To that end, we have established the following guidelines:
  - All portable electronic devices must be placed in silent mode and stored in a pocket or bag during instructional time, except as expressly permitted in connection with authorized use in classrooms or unless otherwise permitted (see individual building student handbooks for additional information).
  - While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors.
  - Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved.

Examples of misuse of electronic devices are:

1. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
2. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
3. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited
4. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, social media, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.

## V. STUDENT DRESS CODE

In order to promote a safe, orderly, distraction free educational environment, all students are expected to give proper attention to personal cleanliness and to dress appropriately for Marcellus Central School District programs. Students and their parents/guardians have the primary

responsibility for acceptable student dress and appearance. Teachers and all other Marcellus Central School District personnel should exemplify and reinforce acceptable attire, and help students develop an understanding of appropriate appearance in the educational setting.

A student's dress and appearance, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not be brief or otherwise revealing to the point where the educational process is disrupted.
3. Ensure that undergarments are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed. Safe footwear should be worn during technology classes, science labs, physical education, and other classes where certain footwear may be deemed unsafe.
5. Not include anything that obstructs facial identification, such as hoodies. The wearing of hats in the classroom is up to the discretion of the classroom teacher except for cases of medical or religious purposes.
6. Not include items that are vulgar, obscene, libelous, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the academic year and any revisions to the dress code made during the academic year.

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

## **VI. PROHIBITED STUDENT CONDUCT**

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

Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Marcellus Central School District personnel will support students throughout this process.

The rules of conduct listed below are intended to focus on safety and respect for the rights and property of self and others.

Students may be subject to disciplinary action, up to and including suspension from school, or permanent suspension from Marcellus Central School District programs when they:

1. Engage in conduct that is disorderly.
2. Engage in Bullying as defined in the student handbook
3. Engage in conduct that is insubordinate.
4. Engage in conduct that is disruptive.
5. Engage in conduct that is violent.
6. Engage in any conduct that endangers the safety, morals, health or welfare of others.
7. Engage in misconduct while on a school bus.
8. Engage in any form of academic misconduct, including, but not limited to, plagiarism, cheating or altering a grade or inappropriate use of technology.
9. Violate any policy, rule or regulation of the Marcellus Central School District, including, but not limited to, the specific rules of conduct established by each school.
10. Violate any federal or state law or regulation or local ordinance.

### **Engage in Conduct that is Disorderly**

Examples of disorderly conduct include, but are not limited to:

1. Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
2. Obstructing vehicular or pedestrian traffic.
3. Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

### **Engage in Conduct that is Insubordinate**

Examples of insubordinate conduct include, but are not limited to:



1. Failing to comply with the reasonable directions of teachers, school administrators or other District employees or otherwise demonstrating disrespect.
2. Missing or leaving school or class without permission.

### **Engage in Conduct that is Disruptive**

Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrating disrespect.
2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

### **Engage in Conduct that is Violent**

Examples of violent conduct include, but are not limited to:

1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other District employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
4. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using weapon(s).
8. Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to

graffiti or arson.

9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

### **Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include, but are not limited to:

1. Lying, deceiving or giving false information to school personnel.
2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
3. Allowing unauthorized access or entry to school buildings or grounds to any individual(s).
4. 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
5. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
6. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
7. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual

favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.

9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
11. Selling, using, possessing or distributing obscene material.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products, vapor pens or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
13. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
14. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
15. Gambling and games of chance.
16. Inappropriate touching and/or indecent exposure.
17. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
18. Violating gender privacy when using school restroom facilities.

### **Off-Campus Misconduct**

The district reserves the right to discipline students for "off-campus conduct" (i.e., conduct that occurs off school property) which adversely affects the educational process. In addition, the district has the legal authority to, and reserves the right to, discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

### **Engage in Misconduct While on a School Bus**

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

### **Engage in Any Form of Academic Misconduct**

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Altering records.
4. 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.
5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

## **VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Any student observing or otherwise aware of a student possessing a weapon, alcohol or illegal substance or engaging in a violation of the student code of conduct on Marcellus Central School District property or at a Marcellus Central School District function shall report this information immediately to a teacher, or Marcellus Central School District administrator. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The administrator involved must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school. This notification will comply with any process/protocols developed by the District Attorney's Office.

## **VIII. DISCIPLINARY PROCEDURES AND PENALTIES**

The Marcellus Central School District's views discipline incidents as an opportunity to learn and grow. Through students' personal accountability, we use the discipline process and restorative practices to support students in developing social emotional skills, behaviors, and practices that will benefit them for their lifetime.

Disciplinary action, when necessary, will be firm, fair and consistent. In determining the appropriate disciplinary action, school personnel will consider the following:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents/guardians, teachers and/or others, as appropriate.
- Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's subsequent violations will usually merit a stiffer penalty than the first violation, unless the first violation is of a serious nature.

If the misconduct of a student is related to a disability or suspected disability, and the misconduct may result in a suspension constituting a change in placement, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability.

## **CONSEQUENCES**

Students who are found to have violated the Marcellus Central School District Code may be subject to the following consequences, either alone or in a combination with one another. The school personnel identified after each penalty are authorized to impose that consequence, consistent with the student's right to due process.

- Discussion and/or verbal warning – Any member of the Marcellus Central School District staff
- Telephone call home notification – Any member of the Marcellus Central School District staff
- Written notification to parents – Any member of the Marcellus Central School District staff
- Detention – Teachers, Administrators
- Suspension from transportation – Administrators

- Suspension from social or extracurricular activities – Administrators
- Suspension of other privileges – Teachers, Administrators
- In-school suspension – Administrators
- Removal from classroom by teacher – Teachers, Administrators
- Short-term (five days or less) suspension from school – Principal or Acting Principal, Superintendent, Board of Education
- Superintendent’s Hearing - Superintendent, Designated Hearing Officer
- Long-term (more than five days) suspension from school – Superintendent, Board of Education
- Permanent suspension from school - Superintendent, Board of Education

## **BEHAVIORAL INTERVENTIONS**

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of consequence imposed. In all cases, regardless of the consequence, the Marcellus Central School District personnel who impose the consequence must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the Marcellus Central School District personnel imposing the disciplinary consequence prior to its imposition.

Students who are to be given a consequence other than a verbal warning, written warning, written notification to their parents/guardians or detention are entitled to additional rights before the penalty is imposed. These additional rights are incorporated as part of the information which follows:

### **Detention**

- Teachers and administrators may use after school detention as a consequence for student misconduct. Parent notification is part of this process.

### **Suspension from Transportation**

The Marcellus Central School District furnishes transportation to all students. Riding buses is a privilege that may be withdrawn if the student does not comply with the rules and regulations set forth in the District Code of Conduct and in compliance with NYSED regulations.

- Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

- The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly or insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.
- Bus drivers shall be held responsible for monitoring reasonable and acceptable behavior of students on the school bus. If a student does not conduct himself/herself properly on a bus, a written bus referral will be forwarded to the student's building administrator.
- These rules pertain to all concerned, including non-public school students transported by the District.
- A student with a disability may be suspended only in accordance with the requirements of state and federal law.

### **Suspension from Extracurricular and Athletic Activities and Other Privileges**

Administrators may use suspension from extracurricular and athletic activities and other privileges as a consequence for student misconduct in situations when appropriate

- A student subjected to a suspension from extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parents/guardians will be provided with a reasonable opportunity for an informal conference with the Marcellus Central School District official imposing the suspension to discuss the conduct and the penalty involved.

### **In-School Suspension**

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

- "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will be offered substantially equivalent schoolwork.
- A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent (guardian) 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.

### **Removal of Disruptive Students**

A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to request removal of a substantially disruptive student from the classroom to ensure that the other students continue to learn. This consequence is reserved for use in extreme situations and/or when a pattern of disruptive behavior exists and other disciplinary options which have been implemented have proven ineffective.

- A classroom teacher may request removal of a student from class for up to two days if the teacher determines that the student is substantially disruptive. The removal from class applies to the class of the removing teacher only. Successive removals of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, each teacher's removal of a student with a disability from his or her class shall be followed by consideration with the principal, or the chairperson of the Committee on Special Education to consider the student's rights under state or federal law or regulation.
- If the student poses a danger or ongoing threat of disruption, the teacher may order the student to leave or be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events prior to the close of school the next day. If the student does not pose a continuing danger to persons or property, nor represent an ongoing threat of disruption, the explanation and response must occur before the student is removed from the classroom.
- The teacher must also complete the established referral form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal prior to the beginning of classes on the next school day. When possible, the teacher will notify the parent (guardian) by telephone of the incident by the end of the school day on which the incident occurred.
- Within one school day after the student's removal, the principal must verbally notify the student's parent that the student has been removed from class and why. Timely written notification must follow. The parent must also be informed that he or she has the right, upon request, to meet informally with the principal and teacher to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must also be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent.
- If at the informal meeting the student denies the charges, the Principal must explain why the student was removed and give the student and the student's parents a chance to



present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

- The principal may overturn the removal of the student from class if the principal finds any one of the following:
  - The charges against the student are not supported by substantial evidence.
  - The student's removal is otherwise in violation of law.
  - The conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed.
- The principal must make a determination as to whether to overturn the removal before the close of business on the school day which follows the informal hearing. 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. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.
- Any disruptive student removed from the classroom by the classroom teacher shall be offered substantially equivalent schoolwork and activities until he or she is permitted to return to the classroom.
- A principal may designate a school district administrator to carry out his/her functions regarding teacher removal of a student from the classroom.
- Nothing in this section of the Code abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" or being sent to an administrator's office are not considered removals from class. As previously stated, the consequence of teacher removal should be reserved for use in extreme situations and/or when a pattern of disruptive behavior exists and other disciplinary options which have been implemented have proven ineffective.

Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school for at least five days. 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 a hearing 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 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.

### **Suspension from School**

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent, his or her designee, and the Building Principals.

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. A record of the facts shall be made for subsequent presentation, if necessary.

- **Short term (five days or less) Suspension from School**

When the Superintendent or Principal (referred to as the “suspending authority”) suspends 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. Notice will be provided to the student’s parent(s) by telephone if Marcellus Central School District has been provided with a telephone number(s) for the purpose of contacting the parents/guardians. 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/guardians in writing that the student may be suspended from school.

The notices (oral and written) shall provide a description of the charges against the student and the incident for which suspension has taken place and shall inform the parent 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/guradians. At the conference, the parents/guardians and student shall be allowed to present the student’s version of the events and shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for informal conference must take place prior to implementation of the suspension 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.

Upon receipt of a suspension, where a pupil is of compulsory attendance age, immediate steps shall be taken to provide homebound tutoring.

- **Long term (more than five days) Suspension from School**

Upon receipt of a suspension, the administrator will initiate the homebound tutoring process.

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

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

An appeal of the Superintendent's decision may be made to the Board which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 days of the date of the Superintendent's decision. 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.

- **Permanent Suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a significant and substantial danger to the education or safety and well-being of other students, Marcellus Central School District personnel or any other person lawfully on Marcellus Central School District property or attending a Marcellus Central School function.

### **MINIMUM PERIODS OF SUSPENSION**

#### **Students who bring a weapon to Marcellus Central School District property or functions.**

Any student found guilty of bringing a weapon onto Marcellus Central School District property will be subject to suspension from Marcellus Central School District programs 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:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The Superintendent's belief that other forms of discipline may be more effective.

- Input from parents, teachers and/or others.
- Other extenuating circumstances.

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school, or
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law who is found to have brought a weapon to school.
- The Superintendent is required to refer students 16 years of age or older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on Marcellus Central School District property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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

### **Students who commit violent acts other than bringing a weapon to school**

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for a minimum of five days. 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 a hearing 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 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.

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

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

Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school for at least five days. 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 a hearing 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 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.

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

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, Marcellus Central School District will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction may be made available to any student over the compulsory attendance age who presents a desire to complete his/her high school education.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

At times it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities are afforded certain procedural protections whenever school authorities intend to impose discipline upon them. Procedures followed for suspending, removing, or otherwise disciplining students with disabilities must be consistent with the procedural safeguards required by applicable laws and Part 201 of the Regulations of the Commissioner of Education. These procedural safeguards may be obtained from the Office of Special Education.

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

## **CHANGE OF PLACEMENT RULE**

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

- for more than 10 consecutive school days; or
- 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.
- 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 suspensions or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

## **SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**

The district's Committee on Special Education shall conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an Interim Alternative Educational Setting 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.

## **XI. 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 hereinafter 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:

- to protect oneself from physical injury;
- to protect another student or teacher or any person from physical injury;
- to protect the property of the school or others; or
- 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.

## **XII. ATHLETIC, EXTRA CURRICULAR AND FIELD TRIP CONDUCT**

All rules and responsibilities laid forth in the code of conduct are expected to be followed during athletic, extra curricular activities, and all district and school field trips. Any behaviors or actions in these settings that do not comply with the code of conduct will result in disciplinary action.

A student subjected to a suspension from extra-curricular activities, or other privileges 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.

## **XIII. SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District Administrator only when the School District Administrator has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal and that the search will turn up evidence of the proscribed activity.

Additional factors to be considered in determining to search a student, when there is reasonable suspicion to conduct a search, include:

- The age of the student;
- The predominance and seriousness of the problem in the school where the search is directed; and
- The urgency to conduct the search without delay.

### **District Property (lockers, electronic devices, textbooks, etc.)**

Lockers, electronic devices and textbooks, etc. are the Property of the School district and students shall have no expectation of privacy with regard to items they store in or on them. These items are provided by the school for student convenience and the administration has full access to and the right to search these items at any time. A student may have exclusive use of these items as far as other students are concerned but he/she does not have such exclusivity over-them as it relates to the school authorities.

### **Questioning of Students by School Officials**

School Administrators have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining

disciplinary action in accordance with applicable due process rights.

Should the questioning of students by School Administrators focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by School Administrators does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by School Administrators does not negate the right/responsibility of School Administrators to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School Administrators acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda Warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by School Administrators.

### **Law Enforcement Officials**

It shall be the policy of the Marcellus Central School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents/guardians.

### **Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises



without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for investigations of crimes committed on school property. Generally, in all other situations, if the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

#### **XIV. VISITORS TO THE SCHOOLS**

The Board encourages parents/guardians and other community members with a legitimate educational purpose to visit the district's schools and classrooms of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to Marcellus Central School District property:

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

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

The Marcellus Central School 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 Marcellus Central School District property and at Marcellus Central School District functions.

The restrictions on public conduct on Marcellus Central School District property and at Marcellus Central School District functions contained in this code are not intended to limit freedom of speech or peaceful assembly. Marcellus Central School 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.

### **PROHIBITED CONDUCT**

No person, either alone or with others, directly or indirectly, shall:

1. Intentionally or recklessly injure any person or threaten to do so.
2. Intentionally or recklessly damage or remove district property.
3. Physically or verbally harass, threaten, or assault a person.
4. Disrupt the orderly conduct of classes, Marcellus Central School District programs or other Marcellus Central School District activities.
5. Distribute or wear materials on Marcellus Central School District grounds or at Marcellus Central School District functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational programs.
6. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
7. Enter any portion of the Marcellus Central School District premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on Marcellus Central School District property or at a Marcellus Central School District function.

11. Use tobacco or smoke as it is prohibited in school buildings and on school grounds.
12. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by Marcellus Central School District.
13. Loiter on or about Marcellus Central School District property.
14. Gamble on Marcellus Central School District property or at Marcellus Central School District functions.
15. Refuse to comply with any lawful order of Marcellus Central School District officials performing their duties.
16. Willfully or recklessly incite others to commit any of the acts prohibited by this code.
17. Violate any federal or state law or regulation, local ordinance or board/school policy, rule or regulation while on Marcellus Central School District property or while at a Marcellus Central School District function.

## **XVI. CONSEQUENCES FOR VIOLATION OF DISTRICT CODE OF CONDUCT**

Any student who violates any of the rules of conduct shall be subject to immediate and appropriate disciplinary action. Such disciplinary action may include one or more of the following: warning, reprimand, loss of privilege, suspension or expulsion.

Any licensee or invitee who violates any of the rules of conduct shall have his or her authorization to remain on the school property withdrawn and shall be directed to leave the premises. Upon failure or refusal to do so, such person shall be ejected from the school property and subject to any other appropriate legal process.

Any trespasser or visitor without specific license or invitation who violates any of the rules of conduct shall be ejected from the school property and subject to any other appropriate legal process.

Any instructional staff member who violates any of the rules of conduct shall be subject to the following disciplinary action: warning, censure, compulsory restitution, probation, suspension with or without pay, or dismissal (in accordance with Education Law and applicable collective bargaining agreements.)

Any non-instructional staff member who violates any of the rules of conduct shall be subject to the following disciplinary action: warning, censure, compulsory restitution, probation, suspension with or without pay, or dismissal (in accordance with Section 75 of the Civil Service

Law and applicable collective bargaining agreements).

## **GUIDELINES**

It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules, the Superintendent or designee may make reasonable effort to persuade those engaged to use permissible methods for the resolution of the issue. In doing so, such school officials shall warn such persons of the consequences of persistence in the prohibited conduct, including their removal from any premises of the institution where their continued presence and conduct are in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of these rules, the Superintendent or designee shall cause the removal of the violator from any premises which he or she occupies in such violation and shall initiate disciplinary action as previously provided.

The Superintendent or designee shall inform any violator that his or her authorization or invitation to be present on school property is withdrawn and shall direct him or her to leave the school property. Nothing in the paragraph shall be construed to preclude the authorization of the presence of any such person at any time prior to a violation nor to affect his or her liability to prosecution for trespassing or loitering as prescribed in the penal law.

The Superintendent shall be responsible for the enforcement of these rules and shall designate administrators and other personnel to take action in accordance with these rules. When such action has been so taken, either by the Superintendent or designee, the order or directive so made shall be immediately obeyed by the accused person or persons. Such accused person or persons, however, shall retain all rights thereafter of review or appeal afforded him or her by the Education Law or by any law applicable thereto.

The Superintendent or designee may apply to the public authorities for any aid which he or she deems necessary in causing the removal of any violator of these rules and may request the Marcellus Central School District Board of Education to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules or use any other legal process available to enforce these rules.

## **DISSEMINATION OF THE CODE OF CONDUCT**

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.

3. Making copies of the Code available to all parents/guardians at the beginning of the school year.
4. Providing a summary of the Code of Conduct written in plain language to all parents/guardians of District students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents/guardians and other community members and providing opportunities to review and discuss this Code with the appropriate personnel.
8. The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.
9. The Board of Education, via a committee of representative stakeholders, will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the Code has been applied fairly and consistently.
10. The Board 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.
11. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents/guardians, students and any other interested party may participate.
12. The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.