



Southwestern Central School District

Code of Conduct





I. Introduction

The board of education (“board”) is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver, high 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.

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

Molly Moore, Superintendent
Amy McCloskey, Director of Pupil Personnel Services
Matt Kindberg, High School Principal
Marielle Guido, High School Assistant Principal
Greg Lauer, Middle School Principal
Michael Butler, Elementary School Principal
Sarah Peterson, Elementary School Assistant Principal

II. Definitions



For purposes of this code, the following definitions apply.

“Disruptive student” means an elementary or secondary student under the age of twenty-one who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom or during remote instruction. “Parent” means parent, guardian, or person in parental relation to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.

“School function” means any school-sponsored or sanctioned extra-curricular event or activity (this includes remote instruction). “Violent student” means a student under the age of twenty-one whom:

- ❖ Commits an act of violence upon a school employee or attempts to do so.
- ❖ Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
- ❖ Possesses, while on school property or at a school function, a weapon.
- ❖ Displays, while on school property or at a school function, what appears to be a weapon.
- ❖ Threatens, while on school property or at a school function, to use a weapon.
- ❖ Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- ❖ Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, airsoft gun (pistol & rifle), revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.



III. Student Rights and Responsibilities

A. Student Rights

Dignity for All Students Act (Dignity Act)

Southwestern provides leadership in the areas of civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different sex, race, weight, national origin, ethnic group, religion, religious practices, mental or physical abilities, sexual orientation, gender identity and expression.

The Dignity Act explicitly provides that no student must be subjected to discrimination and/or harassment by employees and/or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), or sex.

www.regents.nysed.gov/meetings/2011Meetings/June2011/611p12d4.pdf

The Dignity for All Students Act (Dignity Act) provides public school students with an environment free from harassment, bullying (including cyber bullying), and discrimination, as well as to foster civility in public schools. The Dignity Act focuses on the prevention of discriminatory behaviors, including harassment/bullying, through the promotion of educational measures meant to impact school culture and climate positively.

Scope of Cyberbullying

The Dignity Act prohibits discrimination including harassment/bullying/cyberbullying, of students on school property, including at school functions, by any student and/or employee. As the amended act states, cyberbullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, social media apps, and social media websites, to deliberately harass or threaten others.



Definitions

“School Property” means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).

“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 (Education Law §11[1] and Vehicle and Traffic Law §142).

“School Function” means a school-sponsored extra-curricular event or activity (Education §11[2]).

“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, 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]).

“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, or sex.

“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 interfere with a student’s education unreasonably and substantially.

“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 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).



“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in Education Law §11(8), that:

1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits, or mental, emotional, or physical well-being; or
2. reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. 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 purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

“Cyberbullying” means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to:

- ❖ race
- ❖ color
- ❖ weight
- ❖ national origin
- ❖ ethnic group
- ❖ religion
- ❖ religious practice
- ❖ disability
- ❖ sexual orientation
- ❖ gender (which includes a person’s actual or perceived sex, as well as gender identity and expression)

This is not an exhaustive list. For example, students with acne or short stature, who are subjected to discrimination, harassment, or bullying are also covered by the Dignity Act. Schools/districts may add to this list based on their own regional or specialized needs (for example, students of incarcerated parents).



Disciplinary and Remedial Consequences

Southwestern emphasizes the creation and maintenance of a positive learning environment for all students. Southwestern is committed to the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- ❖ peer support groups.
- ❖ assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day.
- ❖ corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience.
- ❖ engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed.
- ❖ supportive intervention and/or mediation where constructive conflict resolution is modeled.
- ❖ behavioral assessment or evaluation.
- ❖ behavioral management plans or behavior contracts, with benchmarks that are closely monitored.
- ❖ student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Reporting Discrimination, Harassment and Bullying

School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.

The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.



When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, 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 behavior was directed.

Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

Dignity Act Coordinators

Elementary School
Mr. Michael Butler
(716) 664-1881

Middle School
Mr. Greg Lauer
(716) 664-6270

High School
Mr. Matt Kindberg
(716) 664-6273

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly, and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression).
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.



B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property. This includes classroom instruction and remote instruction.
2. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day, including classroom instruction and remote instruction, unless they are legally excused and be in class, 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 direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report any information they may be aware of that indicates possible danger to the safety of the school, students, faculty, administration, or staff.





IV. Essential Partners

A. Parents

All parents are expected to:

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 that children attend school regularly and on time, unless legally excused.
4. Ensure that children attend school unless legally excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relations with teachers, other parents, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - ❖ Course objectives and requirements
 - ❖ Marking/grading procedures
 - ❖ Assignment deadlines
 - ❖ Expectations for students
 - ❖ Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.



7. Prevent personal biases from ensuring equal treatment of all students in the school or classroom setting.
8. Promptly report incidents of bullying, cyber bullying, harassment, and/or discrimination 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.

C. School Counselors

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Prevent personal biases from ensuring equal treatment of all students in the school or classroom setting.
7. Promptly report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to a counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Principals

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff can communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Prevent personal biases from ensuring equal treatment of all students in the school or classroom setting.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.



E. Superintendent

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop and maintain a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

V. Student Dress Code

It is the policy of the Southwestern Central School Board of Education that the student and their parent/guardian hold the primary responsibility in determining the student's personal attire, hairstyle, jewelry, and personal items (e.g., backpacks, book bags). Schools are responsible for assuring the student attire, hairstyle, jewelry, and personal items do not interfere with the health or safety of any student and do not contribute to a hostile or intimidating environment for any student.



District Core Values

In relation to student dress, the district's core values are the following:

- ❖ Students should be able to dress and style their hair for school in a manner that expresses their individuality without fear of unnecessary discipline or body shaming.
- ❖ Students have the right to be treated equitably. Dress code enforcement will not create disparities, reinforce, or increase marginalization of any group, nor will it be more strictly enforced against students because of racial identity, ethnicity, gender identity, gender expression, gender nonconformity, sexual orientation, cultural or religious identity, household income, body size/type, or body maturity.
- ❖ Students and staff are responsible for managing their personal distractions.
- ❖ Students should not face unnecessary barriers to school attendance.

Universal Dress Code

Students must wear:

- ❖ Top (shirt, blouse, sweater, sweatshirt, tank, etc.).
- ❖ Bottom (pants, shorts, skirt, dress, etc.); and
- ❖ Footwear.

This policy permits additional student attire requirements when necessary to ensure safety in certain academic settings (e.g., physical activity, science or CTE courses). Additionally, this policy allows for reasonable variation in required student attire for participation in certain activities.

Students may not wear clothing, jewelry, or personal items that:

- ❖ Are pornographic, contain threats, or that promote illegal or violent conduct such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia.
- ❖ Illustrate hate group association/affiliation and/or use hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or other protected groups.
- ❖ Intentionally show private parts. Clothing must cover private parts in opaque (not able to be seen-through) material.
- ❖ Cover the student's face to the extent that the student is not identifiable except clothing/headgear worn for an ethnic, religious, or medical purpose.
- ❖ Include hats, visors, or hoods during the school day. These articles of clothing are prohibited except for ethnic, religious, or medical purposes.
- ❖ Demonstrate gang association/affiliation.

Attire worn in observance of a student's religion is not subject to this policy.



Enforcement

Principals are required to ensure that all staff are aware of and understand the guidelines of this policy. Staff will make reasonable efforts to avoid dress-coding students in front of other students.

Students shall not be disciplined but may be removed from class as a consequence for wearing attire in violation of this policy when the attire creates a substantial disruption to the educational environment, poses a hazard to the health or safety of others, or factors into a student behavior rule violation such as malicious harassment or the prohibition on harassment, intimidation, and bullying. Further, no student shall be referred to as “a distraction” due to their appearance or attire.

Typical consequences for a violation of this policy include parent/guardian contact or conference and the directive to cover, change, or remove the non-complying attire. A student may be instructed to leave their classroom briefly to change clothes. The principal or their designee should notify a student’s parent/guardian of the school’s response to violations of the student dress policy.

The Superintendent or their designee is authorized to develop procedures in order to implement this policy if needed.

VI. Prohibited Student Conduct

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students’ ability to grow in self-discipline. The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function sufficiently 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. These rules will function as guidelines because each building, with its different age groups, will have its own unique problems or concerns. 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. In addition, students may be subject to criminal prosecution and/or civil liability. Students may be subject to disciplinary action, up to and including suspension from school, when they:



A. Engage in conduct that is disorderly

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

1. Running in hallways, pushing, shoving, tripping, throwing objects, and throwing snowballs.
2. Making unreasonable noise.
3. Using language or gestures that is profane, lewd, vulgar, or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, 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.

B. 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 school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school or class without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive

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

1. Talking without permission.
2. Inappropriate noise or gestures, interrupting teachers or students or any other behavior that interferes with the teacher's ability to conduct class.



D. Engage in conduct that is violent

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a student, teacher, administrator, or other school employee or attempting to do so.
2. Causing other students to engage in violence (such as hitting, kicking, punching, and scratching) on school property.
3. Possessing a weapon. 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.
4. Displaying what appears to be a weapon.
5. Threatening to use a weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.
8. Damaging textbooks, workbooks, District-issued technology (hardware or software), or any other school property issued for coursework by teachers.

E. Engage in conduct that endangers the safety, morals, health, or welfare of others

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

1. Lying to school personnel.
2. Stealing or damaging the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. 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.
4. Discrimination, which includes the use of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression) as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club, or team.
8. Selling, using, or possessing obscene material.



9. Using vulgar or abusive language, cursing, or swearing.
10. Possessing, consuming, selling, distributing, sharing, or exchanging a cigarette, cigar, pipe, e-cigarette/smoking device, vaping materials and/or tobacco products.
11. (1) Possessing, consuming, selling, distributing, sharing, or exchanging alcoholic beverages, marijuana, DAB pens, and CBD. Possessing drug paraphernalia for the use of such drugs is also prohibited.
(2) Possessing, consuming, selling, distributing, sharing, or exchanging controlled or illegal substances or being under the influence of. "Illegal substances" include, but are not limited to, inhalants, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs". Controlled substances include substances that are legally possessed or used under the supervision of a licensed health care professional or used under any other provision of federal law. Possessing drug paraphernalia for the use of such drugs.
12. Sharing prescription and over the counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Possessing of discharging fireworks, explosives, or incendiary devices in a school building or on school property.

F. Engage in misconduct while on a school bus

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



G. Engage in any form of academic misconduct

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

1. Plagiarism.
2. Cheating.
3. Copying
4. Altering records.
5. Assisting another student in any of the above actions.
6. Late/incomplete assignments.

H. Engage in truancy/illegal absences

I. Engage in behaviors non-compliant with established policies

J. Engage in conduct that is noncompliant with district policy pursuant to internet-enabled devices during the school day

VII. Reporting Violations

All students are expected to report violations of the code of conduct promptly to a teacher, school counselor, school psychologist, the building principal, or his or her designee. Any student observing a student possessing a weapon, alcohol, marijuana, or illegal substance on school property or at a school function shall report this to information immediately to a teacher, the building principal, the principal's designee, or the superintendent.

All district staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to report violations of the code of conduct promptly to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any weapon, alcohol, marijuana, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that the building principal reasonably believes may constitute a crime as soon as practical. The notification may be made by telephone. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.



VIII. Disciplinary Penalties

Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is fair and impartial. School 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.

Disciplinary action, when necessary, will be firm, fair, and consistent 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 as appropriate:

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

As a rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, a serious infraction may merit a more severe consequence even if it is the student's first code violation.

If the conduct of a student is related to a disability or suspected disability, 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 or presumed to have a disability.

A. Penalties

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, hall and lunch monitors, teacher aides, coaches, school counselors, school psychologists, teachers, principal, and superintendent*)
3. Written notification to parent (*bus driver, hall and lunch monitors, coaches, school counselors, school psychologist, teachers, principal, superintendent*)
4. Detention (*teachers, principal, and superintendent*)
5. Suspension from transportation (*director of transportation, principal, and superintendent*)



6. Suspension from athletic participation (*coaches, athletic director, principal, and superintendent*)
7. Suspension from social or extracurricular activities (*activity director, coaches, athletic director, principal, and superintendent*)
8. Suspension of other privileges (*principal and superintendent*)
9. In-school suspension (*principal and superintendent*)
10. Removal from classroom by teacher (*teachers and principal*)
11. Short-term (five days or less) suspension from school (*principal, superintendent, board of education*)
12. Long-term (more than five days) suspension from school (*superintendent and board of education*)
13. Permanent suspension from school (*superintendent and board of education*)

B. Procedures

All students are entitled to due process. 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.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.



❖ Detention

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. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.



❖ ***Restorative Justice***

It is our objective to create and maintain a safe and orderly educational environment. Restorative Justice is a process utilized to reduce disruption and misconduct; support and reinforce positive behavior and character development; and help students succeed. School administrators, counselors, and teachers may incorporate this intervention strategy as a method to intervene and promote an emotionally and physically safe educational environment. Participants will focus on owning mistakes, showing empathy, and taking steps to remedy the conflict.

❖ ***Substance Annihilation Team Prevention Works***

Disciplinary measures below may be applied to all substances of abuse including alcohol, misused prescription medications, and legal/illegal drugs- beyond tobacco and nicotine products.

Addressing Student Use of Tobacco, Nicotine, and other Substances of Abuse in Schools: Alternative Measures

Any student violations of this policy shall result in the following measures:

1. The first violation shall result in confiscation of tobacco/nicotine products, notification of parents and/or guardians, and at least one the following:
 - ❖ A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and school policy.
 - ❖ Student participation in tobacco/nicotine education program.
 - ❖ Offering student information about available cessation programs and resources.
2. The second violation shall result in confiscation of tobacco/nicotine products, notification of parents and/or guardians, and offering the student information about available cessation programs, as well as at least one of the following:
 - ❖ A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
 - ❖ Student participation in a tobacco/nicotine education program.



3. The third and any subsequent violation shall result in confiscation of tobacco/nicotine products, notification of parents and/or guardians, offering student information about available cessation programs, and student participation in a tobacco education program as well as at least one of the following:
 - ❖ A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco/nicotine use and school policy.
 - ❖ Educational community service.

❖ ***Suspension From Transportation***

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the 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.

❖ ***Suspension From Athletic Participation, Extra-curricular Activities, and Other Privileges***

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



❖ ***In-school Suspension***

The board recognizes 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 principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension”. The in-school suspension teacher will be a certified teacher.

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 will be provided with a reasonable opportunity for a meeting with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

❖ ***Teacher Disciplinary 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 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:

- ❖ short-term “removal” in an elementary classroom or in an administrator’s office
- ❖ sending a student into the hallway briefly
- ❖ sending a student to the principal’s office for the remainder of the class time only
- ❖ sending a student to a school counselor, school psychologist or other district staff member for counseling
- ❖ sending a student to the Structured Learning Center

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 authority over the classroom.



A substantial disruption of the educational process or substantial interference with a teacher's authority 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 disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal 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 removal 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 another district administrator designated by the principal must notify the student's parents, in writing, 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.

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 student's removal 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 parents.

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:

- ❖ The charges against the student are not supported by substantial evidence.
- ❖ The student's removal is otherwise in violation of law, including the district's code of conduct.
- ❖ 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.

Each teacher must keep a complete log (on district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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 that the removal will not violate the student's rights under state or federal law or regulation.



❖ ***Suspension From School***

Suspension from school is a significant 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 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.

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 shall be permitted to ask questions of complaining witnesses under such procedures as the principal may have established.

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.

Long Term (more than 5 days) Suspension from School

When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. 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 decision of the superintendent may be made to the board that 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 twenty business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

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.

Minimum Periods of Suspension

Students who bring a weapon to school:

Any student found guilty of bringing a weapon onto school property shall be subject to suspension from school for 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
- ❖ 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, incurring suspensions beyond five (5) days:

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. 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 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.

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 repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school. For the purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. 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 students' 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.

Referrals

Counseling

The guidance office/psychology office shall handle all referrals of students to counseling.



PINS Petitions

The district may file a PINS on any student under the age of eighteen for any reason permitted by law, including the following, which are meant to be an example:

- ❖ Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- ❖ Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.
- ❖ Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

Juvenile Delinquents and Juvenile Offenders

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

- ❖ Any student under the age of sixteen 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 §1.20(42).

The superintendent is required to refer students aged sixteen and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

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, the district will take immediate steps to provide alternative means of instruction for the student. These means may include, but are not limited to:

- ❖ Home instruction
- ❖ Home instruction at a neutral site



X. Discipline of Students with Disabilities

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

For purposes of this section of the code of conduct, the following definitions apply:

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

A **“removal”** means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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



School personal may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- ❖ The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- ❖ The superintendent may order the placement of a student with a disability into IAES, another setting or suspension for up to 10 consecutive 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.
- ❖ The superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct if those removals do not constitute a change of placement.
- ❖ 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.
 - “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 pocketknife with a blade of less than 2 ½ inches in length.”
 - “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.



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 of the student or others.

B. 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 ten 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, suspension, or removal.

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

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

The district's Committee on Special Education shall:

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



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

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

- ❖ Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES 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.

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 such 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 knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- ❖ 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.
- ❖ 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:
 - conducted an individual evaluation and determined that the student is not a student with a disability, or



- 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.

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 safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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.

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.



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 disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

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

- ❖ 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.
- ❖ 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.
 - 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.
 - 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 placed in an IAES again.



An expedited due process hearing shall be completed within fifteen business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time, 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 forty-five calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

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

- ❖ 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.
- ❖ 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.

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- ❖ Protect oneself, another student, teacher, or any other person from physical injury
- ❖ Protect the property of the school or others
- ❖ Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers, and duties, if that student has refused to refrain from further disruptive acts

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.



XII. Student Searches and Questioning

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, assistant principals, the school nurse, and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student, or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

An authorized school official or school resource officer may conduct/investigate a student through use of a handheld detecting device. This device would be used as a result of receiving reliable information or through the use of district technology.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.



Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Student Lockers, Desks, and other School Storage Places

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

Police Involvement in Searches and Questioning of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to search a student or to conduct a formal investigation involving students only if they have:

- ❖ A search or an arrest warrant; or probable cause to believe a crime has been committed on school property or at a school function
- ❖ Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parents to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- ❖ They must be informed of their legal rights
- ❖ They may remain silent if they so desire
- ❖ They may request the presence of an attorney



Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing for the protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of a different sex.

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

XIII. Visitors to the Schools

Since schools are a place of work and learning, certain limits must be set for such visits. The building principal, or his or her designee, is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- ❖ Anyone who is not a regular staff member or student at the school will be considered a visitor.
- ❖ All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on the school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
- ❖ Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.



- ❖ Parents or citizens who wish to observe a classroom while school is in session are required to obtain permission from the principal and the classroom teacher prior to such visit. Teachers are expected not to take class time to discuss individual matters with visitors.
- ❖ 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.
- ❖ All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV. Public Conduct on School Property

The 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, 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.

Prohibited Conduct

No person, either alone or with others, shall:

- ❖ Intentionally injure any person or threaten to do so
- ❖ 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
- ❖ Disrupt the orderly conduct of classes, school programs or other school activities or deliberately interfere with the freedom of any person to express his/her views, including invited speakers
- ❖ 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
- ❖ Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability



- ❖ Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
- ❖ Obstruct the free movement of any person in any place to which this code applies
- ❖ Violate the traffic laws, parking regulations or other restrictions on vehicles
- ❖ Possess, consume, sell, distribute, or exchange alcoholic beverages, marijuana, DAB pens, controlled substances, e-cigarettes/vape devices, or be under the influence of either on-school property or at a school function
- ❖ 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
- ❖ Loiter on or about school property
- ❖ Gamble on school property or at school functions
- ❖ Refuse to comply with any reasonable order of identifiable school district officials performing their duties
- ❖ Willfully incite others to commit any of the acts prohibited by this code
- ❖ Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function
- ❖ Physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain
- ❖ Engage in picketing and/or demonstrating which obstructs entrances to building or buildings or the normal flow of pedestrian or vehicular traffic or prevents entry; which interferes with organized meetings or other assemblies for the purpose of harassment; which obstructs or physically interferes with the integrity of the classroom, the privacy of administrative offices, or the functioning of the physical plant
- ❖ Domesticated animals are prohibited on school property unless approved by school administration

Penalties *(subject to provisions of applicable law)*

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

- ❖ **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. Visitors may also be subject to suspension from school property depending on the severity of the infraction.
- ❖ **Students:** They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- ❖ **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.



- ❖ Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- ❖ Staff members other than those described in subdivisions 4 and 5: They shall be subject to warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

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 the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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





XV. Dissemination and Review

Dissemination of Code of Conduct

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

- ❖ Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year
- ❖ Making copies of the code available to all parents at the beginning of the school year
- ❖ Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request
- ❖ 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
- ❖ Providing all new employees with a copy of the current code of conduct when they are hired
- ❖ Making copies of the code available for review by students, parents, and other community members

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.

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

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, parent organizations, school safety personnel, and other school personnel.

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

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

Southwestern Central School District Grade Pre-K-12 Administrative Assertive Discipline Policy

OFFENSE/INFRACTION	Level One Action	Level Two Action	Level Three Action
100 Disorderly Conduct	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action · Pass Restriction · Loss of Privileges
101 Horseplay (Physical, non-threatening inappropriate behavior)	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Pass Restriction · Loss of Privileges
102 Profane, Vulgar, Abusive Language	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
104 Computer Policy Violation	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference · Banned from use
105 Parking Violation	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Loss of privilege · Parent Conference 	<ul style="list-style-type: none"> · OSS · Loss of privilege · Parent Conference
106 Lunch Detention (by teacher)	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
107 Common Area/Hallway Behavior	<ul style="list-style-type: none"> · Warning · Lunch Detention · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Pass Restriction · Parent Conference 	<ul style="list-style-type: none"> · OSS · Pass Restriction · Parent Conference · Super. Hearing · Police Action
200 Insubordination	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
201 Gross Insubordination	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action
202 General Disrespect	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
203 Skip Teacher/Homework Detention	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
204 Truancy from school	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · SST Referral 	<ul style="list-style-type: none"> · ISS · Parent Conference · PINS Referral · Police Action 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action
205 Skip Administrative Detention	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
206 Late to class	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Super. Hearing · PINS Referral · Pass Restriction · Loss of Privileges

OFFENSE/INFRACTION	Level One Action	Level Two Action	Level Three Action
207 Late to school	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Super. Hearing · PINS Referral · Pass Restriction · Loss of Privileges
208 Truant from class	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · PINS Referral · Police Action · Pass Restriction · Loss of Privileges
209 Leave school without permission	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Super. Hearing · Police Action · Pass Restriction · Loss of Privileges
210 Failure to sign in/sign out	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference
211 Dress code violation	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing
212 AUP/Electronic Device violation	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Confiscation 	<ul style="list-style-type: none"> · ISS · Parent Conference · Confiscation · Loss of Privilege · Police Action 	<ul style="list-style-type: none"> · OSS · Parent Conference · Loss of Privilege · Super. Hearing · Police Action
214 Unauthorized distribution via social media	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Confiscation 	<ul style="list-style-type: none"> · ISS · Parent Conference · Confiscation · Loss of Privilege · Police Action 	<ul style="list-style-type: none"> · OSS · Parent Conference · Confiscation · Super. Hearing · Police Action
301 Inappropriate physical contact	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · SST Referral · Police Action · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action · Pass Restriction · Loss of Privileges
302 Instigate a fight	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · SST Referral · Police Action · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action · Pass Restriction · Loss of Privileges
303 Personal Injury	<ul style="list-style-type: none"> · ISS · Parent Conference 	<ul style="list-style-type: none"> · ISS · Parent Conference · SST Referral · Police Action 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action
307 Verbal Threat	<ul style="list-style-type: none"> · Warning · Detention · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · ISS · Parent Conference · Pass Restriction · Loss of Privileges 	<ul style="list-style-type: none"> · OSS · Parent Conference · Super. Hearing · Police Action · Pass Restriction · Loss of Privileges

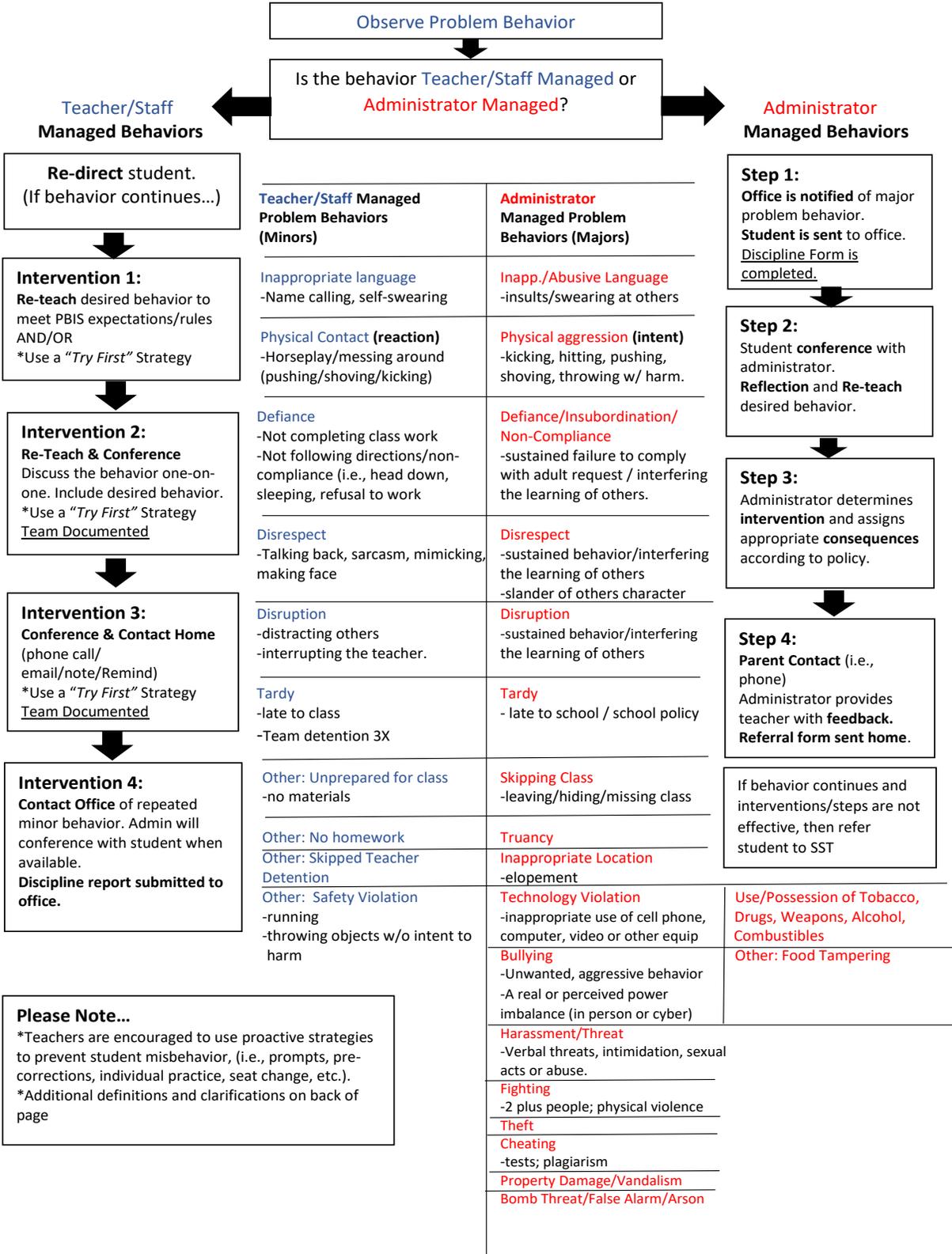
OFFENSE/INFRACTION	Level One Action	Level Two Action	Level Three Action
308 Damage personal property	<ul style="list-style-type: none"> Warning Detention Parent Conference Restitution 	<ul style="list-style-type: none"> ISS Parent Conference Restitution 	<ul style="list-style-type: none"> OSS Parent Conference Restitution Super. Hearing Police Action
309 Damage school property <\$50	<ul style="list-style-type: none"> Warning Detention Parent Conference Restitution 	<ul style="list-style-type: none"> ISS Parent Conference Restitution 	<ul style="list-style-type: none"> OSS Parent Conference Restitution Super. Hearing Police Action
310 Damage school property >\$50	<ul style="list-style-type: none"> Warning Detention Parent Conference Restitution 	<ul style="list-style-type: none"> ISS Parent Conference Restitution 	<ul style="list-style-type: none"> OSS Parent Conference Restitution Super. Hearing Police Action
313 Cell Phone Violation	<ul style="list-style-type: none"> Warning Parent Conference Confiscation 	<ul style="list-style-type: none"> Parent Conference Confiscation Loss of Privilege 	<ul style="list-style-type: none"> Parent Conference Confiscation Loss of Privilege
400 Safety, Moral Health, Welfare	<ul style="list-style-type: none"> Warning Detention Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges
401 Lying to school personnel	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference
402 Stealing	<ul style="list-style-type: none"> Warning Detention Parent Conference Restitution 	<ul style="list-style-type: none"> ISS Parent Conference Restitution 	<ul style="list-style-type: none"> OSS Parent Conference Restitution Super. Hearing Police Action
404 Defamation	<ul style="list-style-type: none"> Warning Restorative Practice Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges
405 Discrimination	<ul style="list-style-type: none"> Restorative Practice Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges
406 Harassment	<ul style="list-style-type: none"> Restorative Practice Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges

OFFENSE/INFRACTION	Level One Action	Level Two Action	Level Three Action
408 Intimidation	<ul style="list-style-type: none"> Warning Detention Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges
411 Unsafe conduct	<ul style="list-style-type: none"> Warning Detention Parent Conference Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action Pass Restriction Loss of Privileges
412 Possession/Use of contraband: Tobacco products/e-cigarettes/vaping devices/ Knives	<ul style="list-style-type: none"> ISS Confiscation Parent Conference SST Referral Pass Restriction Loss of Privileges Counseling Sessions 	<ul style="list-style-type: none"> ISS Confiscation Parent Conference SST Referral PINS Referral Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Confiscation Parent Conference PINS Referral Super. Hearing Police Action Pass Restriction Loss of Privileges
413 Use/Possession, Selling or distributing of legal/illegal drugs	<ul style="list-style-type: none"> ISS Parent Conference SST Referral Police Action Refer to Section VIII (B)(3) Pass Restriction Loss of Privileges Counseling Sessions 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral PINS Referral Police Action Refer to Section VIII (B)(3) Pass Restriction Loss of Privileges 	<ul style="list-style-type: none"> OSS Parent Conference PINS Referral Super. Hearing Police Action Refer to Section VIII (B)(3) Pass Restriction Loss of Privileges
420 Cafeteria misconduct	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action
421 Forged note from parent	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference
422 Forged teacher signature	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference
423 Forged Pass	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference
500 Bus Misconduct	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference Loss of Bus Privilege 	<ul style="list-style-type: none"> OSS Parent Conference Loss of Bus Privilege Super. Hearing Police Action
600 Academic misconduct	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action
601 Plagiarism	<ul style="list-style-type: none"> Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference SST Referral 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action
604 Altering Records	<ul style="list-style-type: none"> Warning Detention Parent Conference 	<ul style="list-style-type: none"> ISS Parent Conference 	<ul style="list-style-type: none"> OSS Parent Conference Super. Hearing Police Action

***The building principal or their designee will determine the severity of all disciplinary consequences. The disciplinary matrix will be used as a guideline for making a final decision.**



SOUTHWESTERN CENTRAL SCHOOL BEHAVIOR FLOW CHART Pre-K-12

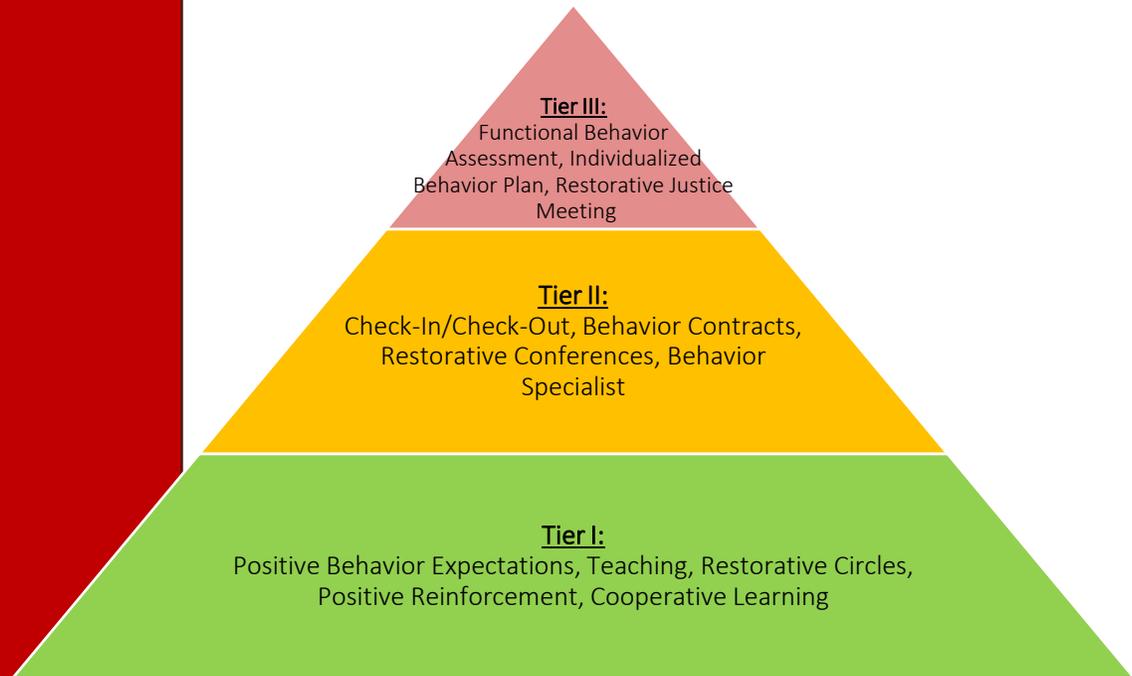


Referral Form Definitions

Bullying	MINOR	Always a MAJOR offence
	MAJOR	An unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
Harassment/Threat	MINOR	Always a MAJOR offence
	MAJOR	The creation of a hostile environment by conduct or verbal threats, intimidation, or abuse that has or would have the following effect: reasonably and substantially interfering with a student's educational performance, opportunities, or benefits; OR would reasonably be expected to cause a student to fear for his or her physical safety. <i>*Disrespectful messages include negative comments based on race, religion, gender, disability, physical characteristics, ethnicity, sex, or other personal matters.</i>
Defiance/ Insubordination/ Non-compliance	MINOR	Student engages in brief or low-intensity failure to follow directions/rules
	MAJOR	Student engages in refusal/sustained failure to follow directions/rules
Disrespect	MINOR	Student delivers low-intensity , socially rude or dismissive messages to adults or students
	MAJOR	Student delivers sustained socially rude or dismissive messages to adults or students
Disruption	MINOR	Student engages in low-intensity , but inappropriate, disruption
	MAJOR	Student engages in sustained or high intensity disruption. Behavior causing an interruption in a class activity. Disruption includes sustained loud talk, yelling, or screaming; noise with materials; and/or sustained out-of-seat behavior.
Inappropriate Language	MINOR	Student delivers low-intensity verbal messages/gestures that include self-swearing, name calling, or use of words in an inappropriate way
	MAJOR	Student delivers abusive, profane verbal messages/gestures that include swearing, name calling, or use of words in an inappropriate way and directed at others
Physical Contact / Aggression	MINOR	Student engages in non-serious , but inappropriate physical contact. Student(s) touches another student OR gets in another student's space without permission and in such a manner that makes the other student uncomfortable
	MAJOR	Student engages in actions involving serious physical contact where injury may occur, such as hitting, punching, hitting with an object, throwing, kicking, hair pulling
Skip Class	MINOR	Always a MAJOR offence
	MAJOR	Student leaves, hides from, or misses class without permission. Teacher/staff made effort to verify with PowerSchool and nurse.
Truancy	MINOR	Always a MAJOR offence
	MAJOR	Student receives an "unexcused absence" for partial or full day
Technology Violation	MINOR	Teacher staff managed behavior. No data collected
	MAJOR	Student engages in serious and inappropriate use of cell phone, computer, or other technology equipment. Violation of Acceptable Use Policy
Theft	MINOR	Always a MAJOR offence
	MAJOR	Student is involved by being in possession of, having passed on, or being responsible for removing someone else's property



MTSS Behavior Plan



Tier I: Universal Prevention

1. **Positive Behavior Expectations:** Clearly define and communicate the expected behaviors across all settings.
2. **Teaching:** Provide explicit instruction on appropriate behaviors and social skills.
3. **Restorative Circles:** Conduct regular restorative circles to build a sense of community and address minor conflicts.
4. **Common Area Reminders:** Signs and reminders from adults about how to act in common spaces within the building.
5. **Positive Reinforcement:** Implement a system of rewards and recognition for students who consistently exhibit positive behaviors.

Tier II: Targeted Interventions

1. **Check-In/Check-Out:** Assign a mentor or teacher to provide additional support and guidance to students who need it.
2. **Behavior Contracts:** Collaboratively develop contracts outlining behavior goals and consequences with students and parents.
3. **Restorative Conferences:** Hold conferences involving the student, teacher, and possibly a mediator to address more serious behaviors and develop resolutions.
4. **Behavior Specialist:** Behavior Specialist observes student in class and makes recommendations on how to intervene with the student's behavior. Models intervention for staff.

Tier III: Intensive Interventions

1. **Functional Behavior Assessment:** Conduct a thorough assessment to identify the underlying causes of challenging behaviors.
2. **Individualized Behavior Plan:** create a personalized behavior plan with specific goals, strategies, and supports.
3. **Restorative Justice Meetings:** Use formal restorative justice practices, involving all stakeholders, to address severe behavioral incidents and promote accountability and healing



Discipline Process

1	<u>Tier 1 Interventions in Classroom for Behaviors</u> <ul style="list-style-type: none">❖ These can include restorative practices, incentives, and informing the parent, at the teacher's discretion
2	<u>Write-up</u> <ul style="list-style-type: none">❖ Fill out form if student behavior is chronic and has not been deterred by Tier 1 interventions❖ Severe behaviors must be written up even if it only happened once❖ Only use write up forms that include the correct administrator names
3	<u>Investigations</u> <ul style="list-style-type: none">❖ Meet with anyone (teachers, students, other staff) who were involved in the incident❖ Check video when applicable (no staff, students, parents to view the video)
4	<u>Parent/Guardian Contact</u> <ul style="list-style-type: none">❖ Parent must be contacted before discipline takes place
5	<u>Discipline</u> <ul style="list-style-type: none">❖ Assign as applicable to offense aligned to the code of conduct❖ Warning❖ Restorative practices❖ Lunch detention❖ Call home (every time, even if a student visits the office)❖ Suspension
6	<u>De-briefs</u> <ul style="list-style-type: none">❖ For any major incidents or crisis that lead to suspension❖ Meeting for all staff involved in the event and all essential staff❖ Create a re-entry plan for students, including any additional supports needed for success
7	<u>Re-entry for Students</u> <ul style="list-style-type: none">❖ Debrief/re-entry meeting with student❖ Can be for any punishment where student misses time with his or her class❖ Restorative conference with teacher, student, administrators, and anyone else involved and willing to participate in conference



Glossary of Terms for the School Safety and Educational Climate (SSEC) Reporting System

(effective July 1, 2021, starting in the 2021-22 School Year)

Violent of Disruptive Incident Related Terms (1)

Violent or disruptive incident: an incident that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, and falls under one of these categories:

1. Homicide:

any intentional violent conduct that results in the death of another person.

2. Sexual Offense:

Any act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

3. Assault:

Any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

4. Weapons Possession:

An act committed by a person 10 years of age or older which would constitute a felony under Article 265.00 of the Penal Law taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.



5. Material Incidents of Discrimination, Harassment and Bullying

5a. Material Incidents of Discrimination, Harassment and Bullying (Excluding Cyberbullying)

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.(2) In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(l)(viii). 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, or sex.

Commissioner's regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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.(3)

Bullying is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.(4)



Please note the following "elements of bullying" do not solely determine whether an incident is material.

- ❖ **Imbalance of Power:** An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- ❖ **Repetition:** Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- ❖ **Intent to Harm:** The person bullying has the goal to cause harm. Bullying is not accidental.

Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

5b. Cyberbullying

is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in Sa. and Commissioner's regulation 100.2(kk)(1)(viii))

6. Bomb Threat:

a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.

7. False Alarm:

causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.



8. Threat of School Violence (Other than Bomb Threat or False Alarm):

a verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.

9. Use, Possession, or Sale of Drugs:

illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

10. Use, Possession, or Sale of Alcohol:

illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

Bias-Related Terms (5)

1. Biased-related conduct:

behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.

2. Race:

the groups to which individuals belong, identify with, or belong in the eyes of the community. This includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks, and twists. (Education Law §11[9] and [10]).

3. Ethnic Group (Ethnicity):

an affiliation with a particular group, country, or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.



4. National origin:

is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.

5. Color:

complexion tint or skin pigmentation. Color discrimination can occur within the same racial or ethnic group.

6. Religion:

religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.

7. Religious Practices:

religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.

8. 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 a record of such an impairment or (b) 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[3] and Executive Law §292[21]).

9. Gender:

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

10. Sexual Orientation:

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

11. Sex:

Is the biological and physiological characteristics that define men and women.

12. Other:

can include, but is not limited to, physical characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.



Other Related Terms

1. Gang-Related:

when an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.

2. Group-Related:

an incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.

3. School Property:

shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(gg)(l)(i))

4. School Function:

means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(gg)(l)(ii) and (kk) (l)(ii))

5. School Bus:

means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).

6. Target:

refers to a person who has been mistreated and/or injured, or the individual affected by the incident. The target can be identified as a student, staff, or other.

7. Victim:

see the definition of target.

8. Other:

refers to a target/victim or offender who is unknown, or neither a student, nor a staff member

9. Offender

refers to a person who has mistreated and/or injured another person, or the individual who caused an incident. The offender can be identified as a student, staff (such as teacher or other school staff), or other (such as school safety officer, student intruder, visitor, unknown).



10. Disciplinary or Referral Action:

for purposes of reporting, a consequence (7) assigned based on the violation of the school's code of conduct and reported under one of the following:

- ❖ **Counseling or Treatment Programs:** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
- ❖ **Teacher Removal:** is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).
- ❖ **In-School Suspension:** is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose but remains under the direct supervision of school personnel.
- ❖ **Out-of-School Suspension:** a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of suspension, in an alternate setting, separate from the school which his/her class/age peers attend.
- ❖ **Involuntary transfer to an Alternative Placement:** is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours.
- ❖ **Community Service:** when a school/district determines work that is assigned without pay to help a community.



- ❖ **Juvenile Justice or Criminal Justice System:** when the school is aware that a student, under the supervision of juvenile justice of the criminal justice system, engages in an incident that may rise to the level of a criminal offense, the school reports the incident to the juvenile justice system for intervention.
- ❖ **Law Enforcement:** when a student engages in an incident, that occurs on school grounds, during school-related events, or while on school transportation, and the incident may rise to the level of a criminal offense, the school reports the incident to any law enforcement agency or official, according to law enforcement procedures.

11. School-related arrests:

refers to an arrest of a student for any activity conducted on school grounds, during off- campus school activities (including while taking school transportation), or due to a referral to law enforcement by any school official.(8)

12. Sexting:

is described as the sending, receiving, or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.(9)

13. Controlled substance:

According to Title 21 United States Code (USC) Controlled Substances Act, Subchapter 1, Part A, §802 (6), "The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986."





Footnotes

1. Education Law §2802, 8 NYCRR §100.2(gg)
2. For additional information and resources, please see [August 2016 Memo RE: Dignity for All Students Act: Results of Statewide School District Survey and Guidance on Implementation](#) and [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)¹:
3. Education Law §11(7), 8 NYCRR §100.2(kk)
4. Dignity for All Students Act Requirements for Schools (Tool for training school employees)-¹
5. These terms are consistent with those found in the publication entitled, [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)¹; Appendix A, Further descriptions and examples of these definitions are available in this document.
6. For further explanation refer to [Guidance to School Districts for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students](#)¹; and [The New York City Department of Education's Transgender and Gender Nonconforming Student Guidelines](#)
7. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal.
8. Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq., (Public Law 114-95, title 1, section 8532, 129 STAT. 1802); Education Law §2802(7).
9. For additional cyberbullying related terms, refer to Appendix A in [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)¹.