

# Mount Vernon City School District

## CODE OF CONDUCT



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## **7300.00 WHY DO WE HAVE A CODE OF CONDUCT?**

### **Guiding Principles of the Code of Conduct**

1. Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. Fostering strong character is essential to healthy development, responsible behavior, academic success in school today, and success in college, career, and life in the future. It is also essential that students are able to take age-appropriate responsibility for their own behavior. Specifically:

a) Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults.

b) School staff, in partnership with parents and the community, promotes the social and emotional well-being of all students through school wide programs that proactively and explicitly teach, practice, recognize, and assess positive behaviors. This helps to ensure that students are better able to:

- recognize and manage emotions;
- develop caring and concern for others;
- establish positive relationships;
- make responsible decisions; and
- handle challenging situations constructively and ethically.

2. Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.

3. All adults—teachers, principals, administrators, school staff, parents, and the larger community—have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students. Pursuant to District Policy 6410, all personnel are responsible for maintaining student discipline and appropriate conduct during school hours, on school property and at school functions, by reporting potential violations to building level or district level administration for the imposition of disciplinary procedures where appropriate.

4. Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment. Student discipline and support policies and practices are implemented in a manner that is respectful and based on trust among administration, staff, students, and families. Student discipline and support policies and practices are implemented in a manner that holds individuals accountable, but is restorative and solutions oriented, rather than punitive. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/or interventions will be implemented if their unacceptable behavior persists.

5. The District will continuously monitor results in an effort to determine strategies for improvement.

## **7300.05 INTRODUCTION**

The Mount Vernon Board of Education ("Board") is committed to providing a safe, supportive and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference and creating an atmosphere that demonstrates, undertakes and promotes respect of the diverse cultures and linguistic groups that forms our schools and community. Responsible behavior by students, teachers, district personnel, parents and other visitors is essential to achieving this goal. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. This Code provides a legal and procedural framework for supporting a civil, safe and positive school climate and guides decisions regarding inappropriate behavior or misconduct.

The Code of Conduct was developed to comply with the mandated Project SAVE legislation and has now been revised to comply with the new Dignity for all Students Act ("DASA"); we should all be aware of its important components. It was developed by community members and has been endorsed by staff, parent teacher organizations, student government leaders, and the Board of Education.

This Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. (Board Policy #7310)

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function in the Mount Vernon City School District, or acting under circumstances that have a direct effect on

our District. (Board Policy #3410) Clearly, some rules and regulations are more appropriate for students at the secondary level than at the elementary level. It should be noted by students and parents that each school principal can develop rules, regulations and procedures in addition to those found in the Code of Conduct if such rules, regulations and procedures will meet specific building needs and if those rules do not conflict with those found in this document or with state, federal or education law.

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property, pursuant to District Policy 6410. Staff are expected to report any observed violations of the Code of Conduct to building or District administration, so that the matter may be addressed accordingly. Similarly, District vendors and contractors are expected to support the Code of Conduct and report violations to administration accordingly.

## **7300.10 DEFINITIONS**

For purposes of this code, the following definitions apply.

“Behavior” is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Parent" means parent, guardian or person in parental relation to a student.

“Relationships” are the way in which two or more people regard and behave toward each other.

“Respect” is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

“Restorative Practices” are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

"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 extra-curricular event or activity.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means any item defined or described in 18 USC 921, or NYS Penal Law Sections 266.01 – 265.06, or any gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, can sword, electronic dart gun, Kung Fu

star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **7300.15 STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights:**

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

1. A free public education
2. Take part in all district activities on an equal basis subject to necessary restrictions based on health and safety regardless of race, color, creed, weight, national origin, ethnic group, religion, gender, sex, or sexual orientation, or disability.
3. Learn in a safe, supportive and orderly school environment free from harassment, discrimination, intimidation and fear that focuses on positive student behavior.
4. To be informed of the Code of Conduct of the Mount Vernon City School District each student will be given a printed copy of the Code of Conduct from the District at the start of each school year. In addition, copies of the Code of Conduct will be available to parents at the start of each school year. The Code of Conduct will be reviewed annually in conjunction with the opening of school. In addition, in accordance with 8 NYCRR 100.2, the Board of Education shall provide programs for in-service education for all District staff members to ensure effective implementation of school policy on school conduct and discipline. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
5. Confidentiality as provided by law.
6. Access to student records if over the age of 18 and as allowed by law.
7. To a defined procedure for student disciplinary infractions and arriving at decisions. This procedure is called “due process.” Students will have a right to be told the reasons for disciplinary actions being considered and a right to present their account of the event(s) in question. Due process is designed to protect students from the arbitrary exercise of authority.
8. Freedom of expression provided such expression does not disrupt or interfere with education, discipline, or the normal activities of the school. Such freedom will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons.

9. Express their personal opinions in writing as long as such material is signed by the author and follows the guidelines identified in paragraph “8” above.
10. To assemble peacefully.
11. To follow personal The Dress Code Policy 5300.25.
12. To use school facilities subject to the routine operating procedures set at the building level.
13. An equal opportunity to be considered for participation in extra-curricular programs and activities subject to the guidelines set forth in Board Policy #7410, Eligibility for Participation in Extracurricular Activities”.

### **B. Student Responsibilities:**

All district students have the responsibility to:

1. To contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning.
2. To show respect to other persons and to property and refrain from bullying, harassing and/or discriminating against others and to report any such conduct that occurs to a teacher or District administrator.
3. Be familiar and maintain all other behavioral guidelines outlined in the Code of Conduct and district policies, on and off school premises, at school functions, during extra-curricular activities and conduct themselves appropriately off school grounds, particularly when their conduct has the potential to endanger the health or safety of pupils within the educational system or adversely affect the educative process .
4. Attend school every day on time, unless they are legally excused, and be in class on time and prepared to learn and fulfill all course requirements at the time designated by the teacher.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
7. Ask questions when they do not understand.
8. Seek in-school resources to assist with educational or personal issues that interfere with learning.
9. Read and act in accordance with this Code of Conduct.
10. Accept responsibility for personal actions as stated in this Code of Conduct.
11. Develop a consideration and mutual understanding for such differences as social, economic and cultural backgrounds and attitudes.
12. Dress appropriately for school and school functions and ensure that their

dress and grooming protect the health and safety of themselves as well as other persons in school and that such dress is respectful of others and does not disrupt or interfere with the educational process.

13. 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.
14. See that any meetings on the school campus are either part of the formal educational process or authorized by the school administration. Meetings or demonstrations that interfere with the normal operations of the school or of particular classrooms are not allowed.
15. Use of school facilities in a safe manner and within the routine operating procedures. Each student must take the responsibility to help keep the school clean and orderly. Each student must see that his/her use of the schools facilities does not infringe on the rights of others to use the same facility.
16. Ensure that student organizations do not restrict membership on the basis of race, color, religion, religious practice sex, gender, national origin, sexual preference, or any other arbitrary criterion, subject to necessary restrictions. Every student organization must be sanctioned by the school administration before it can use school facilities.
17. Be aware of the steps of due process. Students should cooperate with school authorities by providing any and all information needed to make a prompt and fair decision. The formal disciplinary procedures and due process steps are outlined later in this Code of Conduct.

## **7300.20 ESSENTIAL PARTNERS**

All members of our learning community – including students, staff, parents and engaged service providers – must assume responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

Those responsibilities include but are not limited to the following:

### **A. Parents**

All parents shall:

1. Encourage and support their child's development as a learner through academic and extracurricular activities.
2. Maintain mutual respect and dignity in dealings with all other persons.
3. Call the office if their child will not be in school.
4. Know school rules and help their children understand and abide by them.

5. Be aware of student dress regulations.
6. Inform school officials of any changes in emergency contact information.

**B. School Security Personnel**

All School Security Personnel shall:

1. Enforce district and campus policies.
2. Inhibit and deter criminal/dangerous activity through a visible presence and investigation.
3. Monitor buildings and parking areas for criminal and/or unauthorized activity.
4. Know floor plans, building layout and escape routes of assigned school and grounds.
5. Perform investigations as requested by school administration.
6. Develop and maintain professional relationships with parents, school administrators and supervisor.

**C. Teachers**

All district teachers shall:

1. Maintain a positive climate of mutual respect and dignity, free of discrimination and harassment.
2. Communicate regularly with students, parents and other staff concerning academic growth and achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Follow provisions for removal of student from the classroom.
5. Encourage student participation and academic inquiry.
6. Provide classroom assignments for students receiving suspension.
7. Communicate to students and parents:
  - a. Course objectives, requirements, deadlines.
  - b. Marking/grading procedures.
  - c. Behavioral expectations for students.
8. Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a teacher's attention.
9. Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

**D. Pupil Support Services including School Counselors, Social Workers, School Psychologists**

Designated Pupil Support Services personnel shall:

1. Assist students in coping with personal, social and emotional problems.
2. Encourage a positive school climate and discourage discrimination, harassment and bullying
3. Initiate teacher/student/counselor conferences as necessary.
4. Review with students their educational progress and career plans.

5. Provide information to assist students with career planning.
6. Encourage students to benefit from educational and extracurricular programs.
7. Consult with parents and provide information on human service agencies.
8. Handle all referrals of students to counseling.
9. File PINS Petitions.
  - i. The District may file PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
    1. Being habitually truant and not attending school as required by part one of Article 65 of the Education law.
    2. 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.
    3. Knowingly and unlawfully possesses alcohol, any illegal substance, and/or abuse of prescription drugs in violation of penal law. A single violation will be a sufficient basis for filing a PINS petition.

#### **E. Principals**

Principals shall:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Encourage a school environment free of harassment, bullying and discrimination.
3. Maintain a climate of mutual respect and dignity, encouraging a positive school climate.
4. Provide opportunities for students, parents and staff to meet with administrators, when possible.
5. Become familiar with instructional programs.
6. Support the development of, and encourage student participation in school-sponsored extracurricular activities.
7. Be responsible for enforcing the Code of Conduct promptly, consistently, and fairly. (Board Policy #7313)
8. Be informed of reasonable suspicion in relation to the need for a search or seizure of contraband, (as per Board Policy #7330) and determine procedures for questioning, search of lockers, students, including law enforcement involvement.
9. Utilize the appropriate reporting forms set forth in Board Policy 3430 and 00115, (including Individual Incident Report (IIR) Form, and DASA Incident and Investigation form) to report incidents that occur in the building or program under designee jurisdiction.
10. Distribute, publicize and enforce dress codes approved by the Board of Education.

#### F. **The Dignity Act Coordinator(s)**

The Dignity for All Students Act (DASA) Coordinator(s) are Appointed by the School Board.

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

#### G. **Superintendent**

The Superintendent shall:

1. Promote a positive, safe, orderly and stimulating school environment, supporting active teaching and learning.
2. . Review with district administrators the policies of the Board of Education and the state and federal laws relating to school operations and management.
3. Work to create instructional programs that are sensitive to student and teacher needs, advance academic achievement, expand educational opportunities and improve school climate.
4. Inform the Board about educational trends relating to student discipline.
5. Work with district administrators in promoting positive behavior, enforcing the Code of Conduct fairly and consistently. (Board Policy #7313)
6. Review the annual Summary of Individual Incident Report (IIR) Form which includes DASA reporting submitted to the Commissioner of Education. (Board Policy# 3430)
7. Refer students to the law enforcement or appropriate agency or authority where necessary depending on the nature of the Code of Conduct infraction.

## H. **Board of Education**

The Board of Education shall:

1. Collaborate with student, teacher, administrator, parent organizations, and school safety personnel to promote a safe, positive school climate by adopting 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. (Policy #3410)
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

### **7300.25 STUDENT DRESS CODE**

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

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nail must:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Completely cover all undergarments at all times.
3. Include footwear that is not a safety hazard, worn at all times.
4. Not include revealing clothing such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through material.
5. Not include wearing hats or head coverings in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, weight, religion, religious practice, national origin, ethnic group, sex, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or any illegal substance and/or abuse of prescription drugs and/or encourage illegal or violent activities.
8. Not include jewelry that can be dangerous, such as spiked bracelets or neck collars.
9. Not disrupt the educational process, as determined by the Building Principal or designee.
10. Gang paraphernalia or dress is strictly prohibited.

Each building principal or designee shall be responsible for informing all students and their parents of the dress code at the beginning of the school year and any revisions to the dress Code made during the school year. The principal shall enforce and promote enforcement of the dress

code in order to maintain a safe and orderly environment conducive to learning.

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

### **7300.30 PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with mutual respect and dignity, and with proper regard to 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. Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Students and families should understand that conduct off campus or outside of school hours may be subject to discipline pursuant to the Code of Conduct if it is determined that the conduct could interfere with or could reasonably be expected to substantially disrupt the educational process in school or at a school function.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear.

The rules of conduct that follow are intended to provide clear expectations and focus on safety and respect for the rights and property of others. Students may be subject to disciplinary action, up to and including suspension from school, when they exhibit inappropriate conduct.

There are four levels of Student Conduct governed by this Code of Conduct: The violations and consequences detailed below for each level provide a framework for the principal or designee's response to the violations of the Code of Conduct. Because no framework can account for all of the potential details or circumstances related to an instance of misconduct, the framework is meant to serve as a guide, and the principal or designee shall use appropriate discretion to determine the appropriate consequence for a violation on a case by case basis. Nothing contained within this framework is meant to limit or otherwise restrict the principal or designee from assigning a particular consequence to a violation (including assigning a consequence from a higher level to a violation listed at a lower level), as deemed appropriate by the principal or designee, in order to promote the guiding principles of this Code of Conduct, as set forth in 5300.00 and 5300.05 above.

- Level I: Conduct that is Insubordinate/Inappropriate Conduct**
- Level II: Conduct that is Disorderly/Disruptive**
- Level III: Conduct that Endangers the Morals, Health and Welfare of Students**

**& Staff****Level IV: Conduct that is Violent/Dangerous****LEVEL I: Insubordinate/Inappropriate Conduct**

Examples of prohibited behaviors in school, on school grounds, at school-related functions:

- Students must comply with reasonable directions of teachers, administrators or other school employees in charge of students.
- Students may not demonstrate disrespect to any other persons
- Students must identify themselves by name to staff member upon request.
- Students may not miss or leave school or any class without permission, or skip detention.
- Students may not leave lunchroom or other assigned areas without a pass or permission.
- Lying to school personnel in connection with any communication whatsoever is prohibited.
- Students must comply with school and classroom rules.
- No gambling or playing games of chance for money or valuables.
- No running in hallways, stairways or school buildings.
- Lateness or absence from school, class or activities must be excused excessive lateness is prohibited.
- Cheating, plagiarism and/or academic misconduct is prohibited. This includes, but is not limited to: inappropriate use of electronic devices to cheat, send information, or aid performance; copying; test theft; altering records; assisting another student in any of the above actions.
- Students may not display and/or use cell phones, pagers, iPods and/or other electronic devices from the time students arrive at school and until the end of the regular school day.
- Students must turn off all personal electronic devices and store them until the end of the school day. In case of an emergency, the use of these electronic devices may be permitted by school administrators.

**Required Responses to Level I Conduct Violations:**

- Verbal communication to parent, documented
- Remedial classroom management measures
- Other appropriate actions designed by the school to address the infraction

**Additional Possible Responses, Where Appropriate:**

- Responses for each subsequent offense will be progressively more serious
- Lunch/recess detention

- After school detention for repeat offenses
- Parent notification/parent conference
- Administrative notification/intervention if necessary
- Referral to pupil support (counselors, guidance, etc.)

## **LEVEL II: Conduct that is Disorderly/Disruptive**

Level II includes infraction of a more serious nature or a continuance of Level I misconduct. This can include student acts that interfere with orderly educational process in the classroom or in the school.

Examples of prohibited behaviors in school, on school grounds, at school-related functions:

- Repeat or continued Level I violation
- Language or gestures that are profane, lewd, vulgar or abusive; cursing or swearing.
- Noise or producing noise levels that disrupt the education of students.
- Student dress code violation, as per District Policy 7312, and Section 5300.25 above
- No trespassing; students are not permitted in any building, other than the one they attend, without permission.
- No trespassing on school grounds when under suspension or expulsion.
- Obstructing vehicular or pedestrian traffic.
- Computer/electronic communications misuse, including any inappropriate or unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

### **Required Responses to Level II Conduct Violations:**

- Remedial classroom management measures
- Teacher removal of student from classroom (see procedures in section 5300.40(B) below)
- Written referral to administrator and student/teacher conference
- Verbal communication to parent documented.
- Written notification to parent within 24 hours

### **Additional Possible Responses, Where Appropriate**

- Responses for each subsequent offense will be progressively more serious
- Loss of computer privileges

- Detention
- In-house suspension
- Exclusion from extracurricular activities
- Referral to pupil support (counselors, guidance, etc.)
- Behavior contract/growth plan
- Transportation privileges suspended
- Out of school suspension

### **Level III: Conduct that Endangers the Morals, Health and Welfare of Students and Staff**

Infractions in Level III are very serious and substantially interfere with the educational environment. Addressing this conduct requires the cooperation of teacher and administration.

Examples of prohibited behaviors in school, on school grounds, at school related functions:

- Repeat or continued Level I or Level II violation
- Bullying in any form such as:
  - physical (hitting, kicking, spitting, pushing, taking personal belongings);
  - verbal (taunting, malicious teasing, name calling, making threats); and,
  - psychological (spreading rumors, manipulating social relationships, or engaging in social exclusion, ostracism, extortion, or intimidation).
  - Cyberbullying (also known as virtual bullying) is the willful and repeated harm (includes tormenting, threats, harassment, humiliation) to a person through electronic means such as cell phone, computer, other devices. Inappropriate, bullying, threatening or illegal behavior through the use of an electronic/digital device, including cell phone, text message, wireless communication device, computer, laptop, pager, walkie talkie, e-mail, instant message, chat room, electronic bulletin board, web log and other means of wireless or wired communication occurs when a student or otherwise targeted by another student using the Internet, interactive and digital technologies or mobile phones.
  - Harassment (as defined Glossary).
  - Sexual harassment.
  - Intimidation/menacing.
  - Hazing.
- Stealing property of students, school personnel or other person on school property or at school related functions.
- Defamation (includes making false representations about a person or group of persons that harm their reputation or demean the group.)

- Any electronic activity that interferes with the operation of the school or maintenance of order with respect to staff and/or students, or adversely affects the safety and well-being of a student while in school is considered inappropriate.
- Fighting/physical contact.
- Selling, using or possessing obscene material.
- The use of any tobacco product, such as, but not limited to digesting, and or smoking marijuana, smoking cigarettes, blunts, cigars, pipes, or other smokeless tobacco products of illegal substances. (Note the laws of this code of conduct is present underage usage of tobacco and the like products. Also, note the above code of conduct applies to any enrolled student who is over the age of 18. (Any repeated possession should incur a level four violation)
- Taking pictures and/or transmitting photos/graphics/videos or representations of any unclothed or partially clothed person, or exposing private parts

### **Required Responses to Level III Conduct Violations:**

- Remedial classroom management measures
- Teacher removal of student from classroom
- Written referral to administrator
- Student/teacher conference
- Verbal communication to parent documented
- Written notification to parent within 24 hours
- Required conference with administrator, student, parent and teacher
- Suspension for 1-5 school days per occurrence
- Superintendent's hearing for repeat offenses

### **Additional Possible Responses, Where Appropriate**

- Responses for each subsequent offense will be progressively more serious
- Loss of computer privileges
- Detention
- In-house suspension
- Exclusion from extracurricular activities
- Referral to pupil support (counselors, guidance, etc.)
- Behavior contract/growth plan
- Out of school suspension
- Transportation privileges suspended
- Alternative education program

### **Level IV: Violent/Dangerous Conduct**

Dangerous and/or violent infractions will not be tolerated and call for the most serious disciplinary procedures. Violence and threats of violence in school requires immediate removal from schools and

notification to police if deemed appropriate by the Superintendent or designee (Board Policy # 3412). Examples of prohibited behaviors in school, on school grounds, at school-related functions, including school athletic events at all sites:

- Repeat or continued Level I, Level II or Level III violation
- Committing an act of violence causing bodily harm (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, or a student, or attempting to do so
- 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. (Board Policy #3411, #7360)
- Displaying what appears to be a weapon (see glossary for definition.)
- Threatening to use any weapon, whether or not in possession of the weapon at the time of the threat.
- 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.
- Possession, use or threats to use an explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
- Intentionally damaging or destroying school district property.
- Possessing, consuming, selling, distributing, or exchanging a beverage with alcoholic content or being under the influence of any alcoholic beverage.
- Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, editable, cocaine, LSD, PCP, amphetamines, synthetic cannabinoids, heroin, steroids, vaping, look-alike drugs and any substances commonly referred to as "designer drugs." (Board Policy# 7320)
- Possessing, consuming, selling, distributing or exchanging any prescription medication.
- Students may not push, shove, make excessive noise, curse/swear or fight while on a school bus or other school mode of transportation. Appropriate behavior while riding on district buses is important for safety and to avoid distracting the bus driver.
- Gang-related activities as defined in the glossary.
- False report of fire, bombs, or other type; misuse of 911 or discharging fire extinguisher.
- Inappropriately using or sharing prescription and over-the-counter drugs.

- Repeatedly, substantially disruptive: four "teacher removals from the classroom" per semester.
- Committing an act of violence causing bodily harm (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, or a student, or attempting to do so.
- Indecent exposure.
- False statements during a District investigation or disciplinary process

#### **Required Responses to Level IV Conduct Violations:**

- Suspension for 5 days
- Superintendent Hearing

### **5300.30-A METAL DETECTORS IN SCHOOL BUILDINGS**

It is the policy of the Board to promote the health and safety of students within the school setting and to provide a school environment conducive to education. In order to implement that policy objective, the Board of approves the use of metal detectors in public school facilities as a measure of deterrence and detection of the possession of weapons and other dangerous objects in school facilities. Protocols for use of metal detectors will be reviewed regularly in an effort to forestall and prevent future incidents of possession by students of weapons and other dangerous objects in school facilities and to enhance the security of school facilities, while protecting the constitutional rights of our students.

### **5300.35 REPORTING VIOLATIONS**

#### **Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, School Counselor, the building principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. Students should report to an administrator if they hear students verbalizing intent to harm themselves or others.

Students, who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against or other students or staff who observes bullying, harassing and/or discriminating behavior are encouraged and expected to submit a verbal and/or written complaint to a District staff member.

All students, faculty, and/or staff who observe the harassment or intimidation of students, or who become aware of the harassment or intimidation of students, shall report this information immediately to the building principal or designee and/or the Dignity for All Students Act (DASA) Coordinator of each building. The principal or designee shall investigate the report of harassment or intimidation and shall take appropriate disciplinary action. Consistent with the district's policy on Dignity for All Students Act, students and faculty/staff who have a reasonable cause to suspect that a student has been subjected to intimidation or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or

any other individuals who participated in the investigation of a complaint of discrimination or harassment.

All faculty and staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor (District Policy 6410), 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 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 designee must notify the Superintendent and appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

### **A. Procedures and Referrals**

Each school's objective is to educate students to make appropriate choices in their school and personal lives. It is important that students develop proper habits that reflect character and integrity. When students do misbehave, discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the student's ability to grow in self-discipline.

The District supports the principles of restorative justice, and seeks in partnership with parents and the community to promote the social and emotional well-being of all students to promote positive behaviors. Underlying the principles of the Code of Conduct is the overall goal of supporting our students to exercise self-control, be compassionate toward others, establish positive relationships, make good choices, and engage in healthy and productive problem-solving and conflict resolution. At times the circumstances will require that disciplinary action be taken, and consequences will need to be imposed. When disciplinary action is necessary, it will be implemented in a firm, fair and consistent manner so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age and /or grade level
2. The nature of the offense and the circumstances which led to the offense
3. The student's prior disciplinary record
4. The effectiveness of other forms of discipline
5. Information from parents, teachers and/or others, as appropriate
6. Status if classified by the Committee on Special Education
7. Other extenuating circumstances

The District will consider the nature of progressive consequences. This means that a student's first violation may merit a lighter penalty than subsequent violations of the same code provision. However, depending on the circumstances of even the first offense, this may not apply. District administration will use discretion in the implementation of consequences as set forth in this Code of Conduct.

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 student identified as having a disability shall not be disciplined for behavior related to his/her disability, as explained in more detail in District policies 7313 and 7315, and in section 5300.50 below.

#### **5300.40 Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination**

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation.

Remedial responses to bullying, harassment and discrimination include measures 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:

- Restitution and restoration
- Peer support groups
- Corrective instruction or other relevant learning or service experience
- Changes in class schedule
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student counseling
- Parent conferences

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Parent education seminars/workshops

- Peer support groups

If appropriate, disciplinary action will be implemented in accordance with the provisions of this Code. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Staff is expected, when aware of bullying, harassment and/or discrimination, to refer the student to designated resources for assistance and/or intervene in accordance with the provisions of this Code of Conduct.

## **B. Specific Penalties**

### **Teacher Disciplinary Removal of Disruptive Students (Level II Infraction)**

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 take a "time-out" in the classroom to give the student an opportunity to regain his or her composure and self-control or asking a School Counselor to see the student. 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 substantially disruptive student from class for up to two days. removal from class applies to the class of the removing teacher only. On the elementary level this applies to the specific subject area only.

If the disruptive student does not pose a danger or on-going 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 a student poses a danger or ongoing threat of disruption, the teacher may remove the student immediately. The teacher must within 24 hours, 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.

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 forms.

Within 24-hours after the student's removal, the principal or designee must notify the student's parents/guardian, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal

or the principal's designee and teacher to discuss the reasons for the removal.

The principal or designee shall require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the teacher or the principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 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 designee may reverse the removal of the student only if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's Code of Conduct.
3. The conduct warrants suspension from school.

The principal or designee may overturn a removal at any point between receiving the student removal form issued by the teacher and the close of business on the day following the conference. No student removed from the class will be permitted to return to the class until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom shall be offered, by the removing teacher, equivalent instructional material until he or she is permitted to return to the classroom. Each teacher must keep a file containing a copy of each Student Removal form.

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

Any student removed by a classroom teacher on four or more occasions during a semester for substantial disruption of the educational process or for substantially interfering with the teacher's authority over the classroom, shall be referred to Student Personnel Services, and shall be subject to a minimum suspension period of 5 days. The Principal or designee may reduce such suspension period on a case by case basis, consistent with state and federal law.

## **Suspension from School**

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

Any staff member may refer a student to the administrator for disciplinary action. All staff members must immediately report and refer a violent student to the principal for a violation of the Code of Conduct.

Referrals shall be made in writing unless the conditions underlying the referral warrants immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member referring the student.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

The principal, upon receiving a referral, or when processing a case for suspension shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. In-school suspension may be utilized, as determined by the Principal or designee. A student attending in school suspension is considered present for attendance purposes, and can help the student continue educational activities.

### **1. Short-term (5 days or less) suspension from school**

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five school days. In the absence of the Principal, the designated acting Principal may suspend a student for five days or less.

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged for five days, the student shall be provided with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent/guardian in writing that the student may be suspended from school. The written notice shall 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/persons in parental relation. 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/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents/person in parental relation of their right to request an immediate informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent shall be permitted to present the student's version of the event and to ask questions of complaining witnesses.

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 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.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the Code of Conduct and a minimum suspension period.

The BOCES Principal may suspend Mt. Vernon City School District students from BOCES classes for a period not to exceed 5 school days when student behavior warrants such action.

## 2. Long-term (more than 5 days) suspensions from school

When the Superintendent or Building Principal 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 parent/guardian 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 and present other evidences on his or her behalf.

Should the basis for suspension relate to the possession of a firearm, rifle, dagger, shotgun, or any weapon or instrument specified in NYS Penal Law Section 265.01 on school property, the Superintendent or hearing officer shall not be barred from considering the admissibility of such weapon as evidence, regardless of any determination by a court in a criminal or delinquency proceeding that the recovery of such weapon was the result of an unlawful search or seizure.

### Appeal of Superintendent's Decision:

If the student and/or parents/guardians disagree(s) with the decision of the Superintendent, he/she (they) have the right to appeal the decision to the Board of Education. Such appeal must be in writing and should include the reason(s) why he/she (they) believe the appeal should be granted. The appeal must be submitted within thirty (30) calendar days of the date of the Superintendent's decision to:

President, Board of Education c/o  
District Clerk  
Mount Vernon City School District 165  
North Columbus Ave Mount Vernon,  
NY 10553

The Board of Education will conduct a thorough review of the record to include: The transcript (recording) of the Superintendent's Hearing;

- The report and recommendations of the Superintendent or designated hearing officer and all exhibits submitted at the hearing;
- The written request for appeal.

\*Note: The record does not include any other information and/or documentation which was not introduced at the hearing or used in determining whether to suspend the student.

Parents/guardians requesting a Board of Education appeal of the Superintendent's decision shall be provided with a written transcript or audio copy, whichever is available, of the Superintendent's

Hearing within ten (10) school days after the transcript is available in the District. Parents/guardians will also be provided with a written response from the District Clerk advising parents of the date that the Board of Education will conduct the appeal in executive session. During the appeal process, parents shall not contact the Superintendent or Board of Education members regarding this matter. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the decision. If the student and/or parent/guardian disagree with the final written decision of the Board of Education, an appeal can be made to the Commissioner of Education. Such appeal must be in writing and submitted within thirty (30) calendar days of receipt of the Board of Education's decision by writing to the Commissioner of Education.

### *C. Referrals*

#### **1. Counseling**

Faculty and staff shall partner with school counselors, social workers, and/or school psychologists to make referrals for counseling support when appropriate.

#### **2. PINS Petitions**

The school may file a PINS (person in need of supervision) petition in Family Court for a student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- 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 lawfully possessing drugs in violation of penal law 221.05. A single violation of 221.05 will be sufficient basis for filing a PINS petition.

#### **3. Child Protective Services**

All legally mandated reporters are required by law to report suspected child abuse or neglect, including educational neglect to the Child Protective Services.

#### **4. Juvenile Delinquents and Juvenile Offenders**

For students found to have brought either a weapon (defined in this Code of Conduct or in 18 USC §930(g)(2) or NYS Penal Law 265.01, or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

- a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - i. All students under age 16, except student age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law 1.20(42).
- b. To the appropriate law enforcement authorities:
  - i. All students age 16 or older, and all student age 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law 1.20(42).

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any 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 less than 2½ inches long. A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas).

Ref: Education Law §3214

8 NYCRR §100.2(1)

*Matter of O'Conner v. Bd. of Ed.*, 65 Misc. 2d 40, 43 (due process)

*Appeal of Reeves*, Dec. No. 13,857 (1998) (involuntary transfer)

*Appeal of Alexander*, 36 EDR 160 (1996) (counseling)

*Matter of Troy R.*, 29 EDR 424 (1990) (automatic penalties)

*Appeal of Ward*, 27 EDR 217 (1988) (indefinite suspension)

*Appeal of Wood*, 27 EDR 92 (1987) (suspension beyond school year)

*Matter of Clark*, 21 EDR 542 (1982) (extracurricular activities)

*Matter of Caskey*, 21 EDR 138 (1981) (reduction in grade)

*Matter of MacWhinnie*, 20 EDR 145 (1980) (reduction in grade)

*Matter of Labriola*, 20 EDR 74 (1980) (excessive penalty)

*Matter of Roach*, 19 EDR 377 (1980) (transportation; contingent suspensions)

*Matter of Caulfield*, 18 EDR 574 (1979) (suspension from classes)

*Matter of Wright*, 18 EDR 432 (1978) (formal due process)

*Matter of Macheski*, 13 EDR 112 (1973) (suspension by a principal)

*Matter of DeVore*, 11 EDR 296 (1972) (insufficient basis for discipline)

*Matter of Port*, 9 EDR 107 (1970) (informal due process)

**7300.45 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. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

**7300.50 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 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 and the Committee on Special Education (CSE.) 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. For suspensions or removals up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age. If the suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than 10 consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than 10 school days in a year, a manifestation determination must be made. (Board Policy #7313)

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates the Code of Conduct.

A principal may suspend a student identified as having a disability for a short-term (5 school days or less) in the same manner as he/she may suspend non-disabled students. In addition, the Superintendent may order the placement of a student with a disability into an Interim Alternate Educational Setting ("IAES"), which setting may include home instruction, for up to ten (10) days, inclusive of any period in which the student has been suspended or removed by the Principal for the same behavior, if the Superintendent determines in accordance with the procedures set forth in Education Law Section 3214 that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time nondisabled students would be subject to suspension for the same behavior.

A student identified as having a disability or is presumed to have a disability, as provided for in Part 200 of the rules and Regulations of the Commissioner of Education and/or a student identified

as having a physical or mental impairment which substantially limits one or more major life activities pursuant to §504 of the Rehabilitation Act of 1973 ("504") or American with Disabilities Act ("ADA"), who is suspended for a period in excess of five school (5) days is entitled to a hearing in accordance with Education Law §3214.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measure against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal and an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal state law and regulation. Until the expedited evaluation is completed, the nondisabled student who is not presumed to have a disability for disciplinary purposes shall remain in the educational placement determined by the district, which can include suspension.

The following rules shall apply before any disciplinary penalty may be imposed at a hearing for a student identified as having a disability or who is presumed to have a disability:

#### **A. §504/ADA Disability**

For a student solely with a disability under §504 or the ADA, the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was related to the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged, except in cases where the student has been found guilty of possession of a weapon and/or serious bodily injury. In such cases, the student may be placed in an IAES for a period of up to forty-five (45) days, as more fully set forth below in "Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury."
2. If no nexus is found, discipline may be imposed upon remand to the Superintendent or designated hearing officer pursuant to Education Law §3214.

#### **B. Individuals with Disabilities Education Act (IDEA Disability)**

Before any change in placement, i.e. suspension in excess often (10) days, may be made for students classified as having a disability or presumed to have a disability, as provided for in Part 200 of the Rules and Regulations of the Commissioner of Education, a Manifestation team, composed of members of the District's Committee of Special Education ("CSE") must make a determination as to whether the conduct was a manifestation of the student's disability (or presumed disability).

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement if they cumulate to more than ten (10) school days in a school year. That determination will be made on a case-by-case basis in accordance with applicable laws. Among the factors to be considered in making this determination is the length of each suspension, whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, the proximity of the suspensions to one another and the total amount of time the student has been excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate education agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, if, as a result of receiving the information specified above:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not eligible as a student with a disability; pursuant to 200.4 or 200.16 of the Regulations of the Commissioner of Education.

### **C. Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school District. The parent must receive written notification within a reasonable time prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parents(s) of the purpose of the meeting, the names of the individuals expected to attend, and shall inform the parent(s) their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any

relevant information provided by the parents to determine if;

- a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- b. The conduct in question was a direct result of the school District's failure to implement the IEP.

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.4(d)(2)(a).

If the CSE meets to consider a change in placement in conjunction with the manifestation determination, prior written notice of such meeting must be provided to the parent(s) in a reasonable time before the meeting.

#### **D. Discipline of Students with Disabilities when the Manifestation Team has made an Affirmative "Manifestation Finding"**

When a disabled student's conduct is determined to be a manifestation of the child's disabling condition, such student may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

#### **E. Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or suspected of having a disability may be suspended and placed in an Interim Alternative Educational Setting ("IAES"), which may include home instruction, for up to forty-five (45) school days (less if the discipline for a non-disabled student would be less), if the student is found guilty of:

- 1) carrying or possessing a weapon while at school, on school property or while at a school function; knowingly possessing or using illegal drugs, or selling or soliciting the sale of

a controlled substance while at school, on school premises or while at school function; In accordance with law, the term "illegal drugs" means controlled substances and cannabis but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal Law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions; or

3) inflicting a serious bodily injury to another person while at school or a school function; In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team or 504 multidisciplinary team must conduct a meeting to determine whether such conduct is related to the student's disability placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. The CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

## **F. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted in the manner specified by 8 NYCRR 201.11 of the Commissioner's regulations, if:

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

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

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 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 again placed in an IAES.

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **G. Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"**

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and/or to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

#### **H. 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.

**7300.55      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. (Board Policy #7350)

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

- Protect oneself.
- Protect another student, teacher or any 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.

Whenever a school employee uses physical force against a student, the employee shall, within the same school day, make a written report to the Superintendent describing in detail the circumstances and nature of the action taken. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations. (Board Policy #7350)

Ref: 8 NYCRR §100.2(1)(3)

Rules of the Board of Regents §19.5

## **7300.60 STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence 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.

The Board authorizes the Superintendent of Schools or designee, Building Principals or designee, and Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., 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 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.

Before searching a student or the student’s belongings, inquiry must be made of the student by the authorized school official concerning the possession of physical evidence † which violates the District Code of Conduct. Alternatively, the authorized school official should request that the student 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.

### **A. Student Lockers, Desks and other School Storage Places**

The rules in this District 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.

### **B. Strip Searches**

Strip searches by District staff or representatives are strictly prohibited. Should the circumstances be such that the authorized school official feels the need for such an investigation to be conducted, then the proper protocols should be followed for engaging law enforcement.

### **C. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the Code of Conduct. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

### **D. Documentation of Searches**

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

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

The Principal or the Principal's designee will be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or designee must clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or designee is responsible for personally delivering dangerous or illegal items to police authorities.

### **E. Police Involvement in Searches and Interrogations 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 use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

Before police officials are permitted to question or search any student, the Principal or designee must first notify the student's parent so they may 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 will 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:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

#### **F. 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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property must be made directly to Principal or designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee will decide if it is necessary and appropriate for a school staff member,

including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room. This will be determined in collaboration with the child protective services agency.

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 they 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.

Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)  
*Vassallo v. Lando*, 591 F.Supp.2d 172 (E.D.N.Y. (2008))  
*Phaneuf v. Fraikin* 448 F.3<sup>rd</sup> 591 (2006)  
*New Jersey v. TLO*, 469 U.S. 325 (1985)  
*In re Gregory*, 82 N.Y.2d 588 (1993)  
*People v. Scott D.*, 34 N.Y.2d 483 (1974)  
*People v. Singletary*, 37 N.Y.2d 310 (1975))  
*People v. Overton*, 20 N.Y.2d 360 (1969)  
*M.M. v. Anker*, 607 F.2d 588 (2d Cir. 1979)  
*Opinion of Counsel*, 1 EDR 800 (1959)

## 7300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing a safe, welcoming, engaging, respectful, orderly environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to maintain this kind of an environment, the public must also adhere to the expectations of the district. For purposes of this section of the code, “public” means all persons when on school property or attending a school function including students, teachers and district personnel.

The expectations for the public’s conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, and maintain order, and prevent infringement on of the rights of others.

All persons on school property or attending a school function must conduct themselves in a safe, 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.

### A. *Prohibited Conduct*

No person, either alone or with others, may:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. 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.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. 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.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.

10. 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.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, marijuana, edible or use chewing or smokeless tobacco.

### *B. Consequences*

Persons who violate this code will be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be subject to ejection. Law enforcement will be contacted as appropriate upon determination of the Superintendent or designee, or Building Principals or designee.
2. Students. They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Staff members in violation of the Code of Conduct will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have, pursuant to any applicable laws, employment agreements, collective bargaining agreements or other applicable authority.

### *C. Enforcement*

The Principal or designee is responsible for enforcing the conduct required by this code.

When the Principal or designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination, misconduct or otherwise not allowed behaviors, which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or designee will tell the individual that the behavior is not allowed and attempt to persuade the individual to stop. The Principal or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the undesired behaviors, or if the person's actions pose an

immediate threat of injury to persons or property, the Principal or designee will 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.

## **7300.75 DISSEMINATION AND REVIEW**

### *A. Dissemination of Code of Conduct*

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. 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.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete 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 and other trainings to contribute to its success as needed. 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. On-going professional development will be included in the district's professional development plan, as needed.

### *B. Review of Code of Conduct*

The Board 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 code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

**Behavior Violations and Levels Of Response**

This Code of Conduct describes four levels of possible response to inappropriate and disruptive behavior of individual students as outlined in the Behavior Violations and Levels of Response table. Each inappropriate or disruptive behavior is assigned to one or more of these levels of intervention and consequences. Interventions from the lower levels should generally be considered, and where practicable, applied, before the interventions and responses from the higher levels. In the event of a disruptive behavior which warrants a level 4 consequence, the administrator can go directly to that level. Repeated chronic or cumulative offenses may require higher levels of interventions/consequences. For serious violations, consequences will begin at a higher level.

As to violations which may constitute a crime, the building principal or designee will consult with the appropriate local law enforcement agency regarding violations that constitute a crime.

Levels of consequences and options for progressive interventions follow:

The following table outlines levels of support with possible individualized interventions and consequences for inappropriate behavior.

Parental Contact

Building administrators communicate with parents/guardians as soon as possible regarding any significant disciplinary issue. Schools record minor and major behavioral referrals when students do not demonstrate the expected school-wide and/or classroom behavioral expectations. Most minor behavior referrals involve behaviors that can be addressed by the classroom teacher. Major behavior referrals generally involve behaviors that require interventions that involve building administrators.

*\*Any calls to 911, the Fire Department, Police Department, or Emergency Medical Services must be reported to building principal, Office of the Superintendent, Director of Security and Assistant Superintendent of Student Personnel Services.*

Level 1	Level 2	Level 3	Level 4
<p>Addressed by classroom teacher(s)/school staff to reinforce school-wide behavioral expectations.</p> <p>May be appropriate when the behavior is a minor infraction.</p>	<p>Used when behaviors require more intensive support on a short-term basis.</p> <p>Initiate MTSS Process.</p> <p>May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.</p>	<p>Used to address a patterned or single incident of problem behavior that presents a major disruption to the school environment.</p> <p>May be appropriate given the seriousness of the offense and impact on the school community, and/or when documented interventions and supports have been put in place but the behavior is escalating.</p> <p>Out-of-School suspension may be used up to 5 days.</p>	<p>Used for long-term removal from the school environment.</p> <p>May be appropriate when behavior is illegal, presents an imminent threat of serious harm to the school community, or when the student’s behavior seriously affects the safety of others in the school and/or educational process.</p> <p>Out-of-School suspension may be used up to 5 days with a request for a Superintendent’s hearing.</p>

Behavior Violation	Level 1	Level 2	Level 3	Level 4	Notification of Authorities	Notes
<b>Absences</b>						
Cutting Class: Student is in school but did not report to scheduled class.	X	X				Contact parent/guardian Inform school counselor Initiate MTSS Process
Excessive tardiness to class or school.	X	X				
Chronically Absent: Student is absent from school two or more times per month.	X	X	X			
<b>Academic Dishonesty</b>						
Plagiarism, copying another's work, cheating, or altering records (including the use of AI and/or online platforms).	X	X	X			Student may receive a failing grade for assignment or additional consequences may apply.
<b>Alcohol, Tobacco, and Other Substances (including those that are banned, illegal or prohibited by age)</b>						
Using or possessing		X	X			Student should be taken to the nurse. Referral to Student Assistance Counselor
Under the influence		X	X			
Distributing or selling			X	X	X	Written parent notification (WPN)
<b>Arson</b>						
Starting a fire			X	X	X	NYS Uniform Fire Prevention and Building Code 401.3 requires building principals to contact the fire department for all unwanted fires.  WPN  Principal or designee must notify Superintendent's Office.
Starting a fire causing destruction of property or physical harm.			X	X	X	
<b>Attack on Student</b>						
Attack on student with physical injury – a student or students set upon another student in a forceful, hostile or aggressive way with or without provocation.		X	X	X	X	DASA investigation should be considered.  Draft incident report  Student sought or was advised by the school nurse to seek outside medical attention. Parent/guardian can refuse outside medical attention for student.
Attack on student with serious physical injury.			X	X	X	Documentation is required for referral, treatment, and/or refusal of treatment.
<b>Bomb Threat/Swattling</b>						

<p>Making threats or providing false information about the presence of explosive materials or devices on school property (a telephoned, written, or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property).</p>				<b>X</b>	<b>X</b>	<p>Notify the police department. WPN</p>
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Behavior Violation	Level 1	Level 2	Level 3	Level 4	Notification of Authorities	Notes
<b>Bullying (Verbal, Physical and/or Electronic):</b> Includes harassment (cyber or otherwise) against members of the school community based on race, ethnicity, gender, gender identity, gender expression, sexual orientation, disability or religion						
Repeated and persistent verbal, physical or written conduct or electronic communication that is threatening, discriminatory, harassing, or personally damaging.		X	X	X	X	DASA investigation should be considered.  Patterns of ongoing conduct including the use of violence, weapons, electronic communication, and physical intimidation influence intervention(s). *Authorities may be notified.
Cyberbullying/sexting or harassment that occurs through any form of electronic communication, including but not limited to cell phones, computers, tablets, or other communication tools such as social media sites, text messages, chat rooms, and websites.		X	X	X	X	WPN
<b>Classroom Disruption</b>						
Any action that impacts teacher's ability to teach or student's ability to learn.	X	X				WPN
<b>Destruction of Property/Vandalism</b>						
Damage or destruction of property	X	X	X			WPN
<b>Electronic Device Misuse</b>						
Violation of MVCSD Technology Acceptable Use Policy	X	X				This includes district-issued devices.
Taking pictures of others without their consent.	X	X	X			Possession and/or transmission of child pornography is subject to criminal prosecution and must be reported to the police.
Recording, posting, distributing, or sharing a fight.		X	X			See Sexual Offenses Behavior Violation and Level of Response.
Use of electronic devices for which it is determined that such use directly causes physical or emotional harm to another person.		X	X			WPN
Unauthorized use of cell phones, handheld mobile devices, electronic game devices, smart watches, and other similar items.	X	X				
Using the name, likeness, or logo of the MVCSD or school to create inappropriate or fake web pages or social media		X	X	X	X	
Use of electronic devices that lead to the threat of harm to the school community		X	X	X	X	WPN Potential police notification

Behavior Violation	Level 1	Level 2	Level 3	Level 4	Notification of Authorities	Notes
<b>False Activation of Fire Alarm</b>						
Intentional false activation of fire 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.		X	X	X	X	Automatic notification once alarm is pulled
<b>Fighting/Physical Aggression</b>						
Physical aggression toward another student.	X	X	X			WPN Possible DASA investigation
Physical aggression among two or more students that results in a fight.		X	X	X		
<b>Gambling</b>						
Requires the use of money or exchangeable goods.		X	X			
<b>Hazing</b>						
Any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate			X	X		WPN Possible DASA investigation
<b>Inappropriate Language</b>						
Use of inappropriate language	X	X				
Abusive language directed at others	X	X	X			
Inappropriate racial or cultural comments (verbal, written, or cyber)	X	X	X	X	X	
<b>Inciting or Participating in Disturbance</b>						
Causing, organizing, instigating, or participating in a major disruption to the atmosphere of order and discipline in the school, during arrival/dismissal, on the bus (such as a riot or large crowd gathering).		X	X	X	X	A large disruption is defined as any disruption that may prevent large numbers of students from moving through the hallways, disrupting the educational process for large numbers of students across the school, or posing a serious and grave threat to safety of large numbers of students.
Using an electronic device to bring others to initiate or engage in a disturbance.		X	X	X	X	
<b>Leaving Classroom or School Without Permission</b>						
Leaving classroom without permission	X	X				Student may be returned to School Counselor or other support staff. WPN
Leaving school without permission	X	X				

Behavior Violation	Level 1	Level 2	Level 3	Level 4	Notification of Authorities	Notes
<b>Non-compliance</b>						
Failure to comply with classroom/school expectations, regulations, policies, or procedures.	X	X	X			
Failure to respond to school staff directives, questions, requests.	X	X	X			
<b>Physical Contact/Threat Against School Personnel (Written or Verbal)</b>						
Unintentional physical contact with school personnel.	X					
Unintentional striking of a staff member who is intervening in a fight or other aggressive behavior.		X	X			Potential police notification WPN
Intentional physical attack on school personnel.			X	X	X	
Unwanted touching, poking, pushing, shoving or physical intimidation of school personnel.			X	X	X	
Verbal or written threat against school personnel or school community.			X	X	X	
<b>School Safety and Physical Security</b>						
Permitting an unauthorized person or item to enter a school building by opening, and/or propping an exterior door.			X	X		
<b>Sexual Assault or Offense</b>						
Forced sexual act without consent				X	X	Police notification WPN
<b>Sexually-based Infraction</b>						
Sexual harassment (e.g. unwelcome sexual advances; request for sexual favors; other inappropriate verbal, written, or physical conduct of a sexual nature)				X	X	School staff is required to refer students to appropriate counseling. Criminal Possession and/ or transmission of child pornography is subject to prosecution and must be reported to the police.
Sexual activity or sexual misconduct (e.g. indecent exposure, engaging in sexual activity, etc.)			X	X	X	WPN
Distribution of Pornography			X	X	X	
<b>Theft</b>						
Taking money or property from another	X	X	X			Use of restorative practices may be applied as appropriate.
Taking money or property from another by force (robbery).			X	X	X	WPN

Behavior Violation	Level 1	Level 2	Level 3	Level 4	Notification of Authorities	Notes
<b>Trespassing</b>						
Entering property without permission		X	X			Entering or failing to exit school ground without the permission of the Administrator in charge.
<b>Unsafe Behavior</b>						
Engaging in dangerous horseplay	X	X	X			
Exposing another to a known allergen	X	X	X	X		Incidents with malintent influences level.
Obstructing vehicular or pedestrian traffic	X	X	X			Concerted effort influences level.
<b>Weapons, Firearms, Explosives</b>						
Possession of a firearm				X	X	Expulsion for no less than one calendar year is mandated by state law for firearms violation but can be modified on a case-by-case basis by the Superintendent of Schools.
Possession of other weapons, such as knives, switchblades, machetes, etc.			X	X	X	
Threatening to use			X	X	X	
Use of weapons to cause or attempt to cause bodily harm or injury			X	X	X	

## Disciplinary Procedures, Penalties, 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 students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary. School personnel who are not authorized to impose disciplinary penalties are expected to promptly report violations of the Code of Conduct to school administrators.

## Penalties, Staff Authorized to impose penalties and Students' Rights

Detention (lunch, before school and after school) may be imposed as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Lunch detention should be used for student misconduct related to lunch or recess. Detention during recess should be used on a limited basis, as recess allows for physical activity and a time for students to develop social skills.

Students may be assigned to detention by Assistant Principals, Principals, and the Superintendent. Detention will be imposed only after a student's parent has been notified to confirm that the student has appropriate transportation home following after-school detention.

**Mt. Vernon City Schools-Code of Conduct  
Glossary of Terms**

**Alcohol Use, Possession, Sale, and Distribution:** It is prohibited to consume or possess alcoholic beverages/substances on school property, including having such substance on a person or in a locker or desk, backpack, vehicle, or personal space. Sale, distribution or exchange of alcohol on school property or in school owned vehicles is not allowed.

**Arson:** Arson is defined as deliberately starting a fire by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, with the intent to damage or destroy property of any sort.

**Assault with Physical Injury:** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, is in violation of the school district code of conduct. Physical injury means impairment of physical condition or substantial pain, and includes, but is not limited to: black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain would include, but is not limited to, severe headaches, joint, or muscle pain.

**Assault with Serious Physical Injury:** It is a violation of the district code of conduct to intentionally or recklessly cause serious physical injury to another person, with or without a weapon. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement. Serious physical injury could include protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**Bomb, Explosive Material:** This category of materials includes incendiary or explosive materials or devices or other dangerous materials that can cause physical injury or death.

**Bomb Threat:** A bomb threat is defined as a telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property, including school bus.

**Bullying:** Bullying is understood to be an aggressive activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying includes threatening, stalking, name-calling, with the intent to harm, hurt or upset another person. This can be verbal or physical, and may include intimidation through the use of epithets or slurs, pictures, graphic representations, gossip, rumors or impersonation. Cyber bullying is defined as the use of communication and/or electronic devices such as cell phones, digital tablets, PDAs or computers for the purpose of name-calling, intimidation, threats, ostracism, defamation, harassment or other

negative intent.

**Computer Use, Inappropriate:** School computers are for educational purposes and can only be accessed under the conditions set by the District. They are not to be used for viewing, sending or receiving: racist, obscene or lewd content; threats, intimidation, harassment or bullying messages. Students cannot install or remove programs except as directed by staff.

**Cyber Bullying:** Use of communication and electronic devices such as cell phones or computers for the purpose of bullying, intimidation, embarrassment, harassment, threatening, ostracism, defamation, harassment or other negative intent is known as cyber bullying. Defamation: Defamation is defined as demeaning or harming the reputation of a person or group of persons, including making false representations or derogatory conclusions about a person or group of persons, and may include slurs or epithets.

**Dignity Act Coordinator:** means at least one (1) employee designated in every school who is instructed in the provisions of DASA and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

**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 medic ally accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such an impairment provided, however, that in all provisions of this Code 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]).

**Dress Code:** Students must cover their underwear with outer clothing while in school, at school events or on school property. Private parts must always remain covered. No hats, bandannas or head coverings are permitted in classrooms except for medical/religious purposes. Items such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines, see-through attire are not allowed. Items of clothing, including head coverings, cannot depict or promote alcohol, tobacco or illegal drugs and cannot encourage illegal or violent activities. Items of clothing, including head coverings, cannot be vulgar, obscene, libelous or denigrating to others.

**Drug Use, Possession, or Sale:** The District strictly prohibits the use, sale, distribution, or possession of a controlled substance on school property, including having such substance on a person or in a locker or desk, backpack, vehicle, or other space. "Controlled substance" includes but is not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant drug, any depressant drug and other substances identified in NYS penal code as controlled. Prescription medication is subject to school medication policies. The unauthorized use, possession, exchange

or sale of prescription medications is prohibited. Alcohol, tobacco and tobacco products are not in this category.

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

**False Alarm:** Students may not falsely or maliciously activate a fire alarm, falsely report a fire, bomb, or falsely activate other disaster alarm.

**Fighting:** Altercations involving physical contact are defined as fighting. This may include striking, shoving, choking, kicking or subjecting another person to unwanted physical contact, or throwing an object at another person.

**Gang-Related Activities:** Gangs are organized groups characterized by turf concerns, symbols, special dress, and/or colors. Gang activities include organizing, recruiting, initiation rites, intimidation; gang-related conflicts based on rivalry, territory, membership, hierarchy. Vandalism or robbery might be part of an initiation, and are strictly prohibited by the District.

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

**Gender expression:** means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

**Gender identity:** means one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**Graffiti:** The marking, physical damage or defacing of school property with marker, paint, or other product is not allowed by the District.

**Harassment:** Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. (Education Law §11[7]).

**Hazing:** Hazing includes any intentional or reckless act directed at another person for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team. Hazing activities cause mental or physical discomfort, embarrassment, or humiliation.

**Indecent Exposure:** Indecent exposure is defined as revealing private parts of the body in a lewd or indecent manner, to be seen or noticed by others.

**Insubordination:** All students must comply with reasonable directions of school staff members. It is considered insubordination to refuse to comply, or to disrespect and/or use inappropriate language toward staff. In addition, refusal to identify self upon request; refusal to comply with classroom or school rules or lying to school personnel constitute insubordination.

**Intimidation:** Intimidation is strictly prohibited by the District. Intimidation includes threatening, stalking, seeking to compel or coerce a person (or persons) to behave in a specific manner or to commit a specific act or acts. This can be verbal, electronic, written or physical or through the use of epithets or slurs. NYS VADIR defines intimidation as repeated "threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in written, verbal or physical conduct that threatens a person or group with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practice, gender, sexual orientation, age or disability that substantially disrupts the educational process."

**Language:** Profane, abusive, lewd or vulgar language is prohibited, including inappropriate use of swearing or cursing.

**Parent:** Parent means parent, guardian, or person in parental relation to a student.

**Plagiarism:** The District takes education seriously and prohibits plagiarism, defined as taking ideas or writings from a person or Artificial Intelligence (AI) without credit, attribution or reference or taking other people's work and claiming ownership.

**Relationships:** means the way in which two or more people regard and behave toward each other.

**Respect:** means an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one's hands to one's self and not violating others' personal space.

**Restorative Practices:** means a response to student actions that violate the dignity, safety, or

well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

**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 extra-curricular event or activity.

**Sexual Harassment:** Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, sexual advances or requests, and other similar behavior. This behavior can be verbal, electronic, and/or physical, including gestures, words or pictures, and can include touching, taunting, threatening, belittling, or other sexualized behaviors unwanted or unwelcome to the target. (\*\*\*\*Change from District Parent Handbook)

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

**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:** Any school-sponsored event or activity during or after school. This also includes school sponsored activities taking place off school property (i.e. field trips, athletic events, etc.)

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

**School Security Personnel:** School monitors trained and employed as security. Conduct patrols, inspections and investigations at assigned schools. Monitors students entering and leaving building, intervenes if a disruption occurs and performs duties outlined in the district Safety and Crisis Response Plan.

**Theft, Robbery:** Stealing of property from a person or the school is defined as theft. This illegal action is robbery when accompanied by using or threatening the immediate use of physical force

upon the person.

**Tobacco:** Use of any tobacco product, including cigarettes, cigar, blunt, pipe, snuff, bidi, chew or other smokeless tobacco product is strictly prohibited.

**Trespassing:** The unauthorized presence of a person in a building or at a school-related site or activity without official permission is considered trespassing.

**Violent Student:** A student under the age of 21 who commits an act of violence upon a school employee or attempts to do so is considered a "violent student." Any student under the age of 21, who commits an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so, is considered a "violent student." In addition, a violent student is one who displays, possesses or threatens using what appears to be a weapon, while on school property or at a school function. It is considered violent to knowingly and intentionally damage or destroy school district property or the personal property of any school employee or other person lawfully on school property on at a school function. (See definition of "weapon.") **Vandalism:** The District strictly discourages and forbids vandalism, the damage, defacing or destruction of property belonging to the school or school staff. Vandalism may include damage to school buildings, furniture, grounds, vehicles, equipment, or materials.

**Weapon:** The District strictly prohibits possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of authorized school personnel. Possession includes bringing a weapon to or possessing a weapon at school, brandishing a weapon on a school bus, or bringing a weapon to a school event. A weapon is defined as a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun; a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; a billy club, blackjack, bludgeon, chukka stick, or metal knuckles; a sandbag or sand club; a sling shot or slungshot; martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken; an explosive, including but not limited to, a firecracker or other fireworks; deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument.