

CODE OF CONDUCT  
**TABLE OF CONTENTS**

Section	Title	Page
I.	Introduction.....	1-6
II.	Essential Partners .....	6-11
	A. Teachers and Staff.....	6-7
	B. Administrators.....	7-8
	C. Parents.....	8-9
	D. Board of Education .....	9-10
	E. School Counselors .....	10
	F. Superintendent .....	10-11
III.	Strategies and Procedures for the Maintenance and Enforcement of Public Order on School Property .....	11-15
	A. Purpose.....	11
	B. Prohibited Conduct .....	11-13
	C. Penalties and Procedures.....	13-14
	D. Procedures to Inform Law Enforcement Officials of a Crime and Filing Criminal/Juvenile Delinquency Complaints.....	14-15
IV.	Student Conduct and Discipline.....	15-35
	A. Bill of Rights and Responsibilities of Students.....	15-17
	B. Student Searches and Seizures.....	17-19
	C. Student Conduct.....	19-23
	D. Disciplinary Responses to Student Misconduct.....	23-29
	E. Removal of Disruptive Students from the Classroom And School Property.....	29-31
	F. Student Suspension from School District.....	31-34
	G. PINS Petition/Referral to Human Services Agencies.....	34-35
V.	Procedure in the Early Identification and Resolution of Discipline Problems .....	35
VI.	Dignity for All Students Act .....	35-38
VII.	Students with Disabilities .....	38-42
VIII.	Conduct by School Employees .....	42-43
IX.	In-Service Education Programs .....	43
X.	Maintenance and Enforcement of Code of Conduct.....	43-44

CODE OF CONDUCT**I. Introduction**

- A. The District establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with Article 2-A of the Education Law, the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioners Regulations, in collaboration with students, teachers, administrators, parent organizations, school safety personnel and other school personnel.

The District has established a District-level school safety plan and a building-level emergency response plan for each District school, which have been developed in accordance with applicable law and regulation to assure the security and safety of students and school personnel.

**B. Definitions:**

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

“Cyberbullying” means harassment/bullying, as defined below, through any form of electronic communication. Cyberbullying may include the use of electronic technology including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques (b) a record of such an impairment, or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function, including but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

“Disruptive Students” are defined as elementary/or secondary students, under the age of twenty-one (21), who are “substantially disruptive of the educational process or substantially interfere with the teacher’s authority over the classroom.”

CODE OF CONDUCT

“Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:

- a. for more than ten (10) consecutive school days; or
- b. for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Emotional Harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

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

“Gender Identity” means a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.

“Harassment/Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in this Code, that;

- a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
- c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.

Such conduct shall include acts of harassment/bullying that occur:

CODE OF CONDUCT

- (i) on School Property;
- (ii) at a School Function; and/or
- (iii) off School Property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Harassment/Bullying may include physical, verbal and/or social/relational conduct.

- Physical harassment/bullying may include, but is not limited to, slapping, hitting, kicking, spitting, punching, tripping, damaging clothes or personal property, choking, etc.
- Verbal harassment/bullying may include, but is not limited to insulting, name-calling, threats, gossip/rumors, racial slurs, teasing, taunting, cyberbullying, etc.
- Social/relational harassment/bullying may include, but is not limited to exclusion, spreading gossip or rumors, isolating someone, ruining relationships/social status, etc.

Harassment/bullying may be characterized by the following:

- Power imbalance – using physical or social power over a victim.
- Intent – to inflict physical or social/emotional harm to a victim without remorse.
- Future aggression – continuation of the harassment/bullying.
- Terror – increasing aggression used to intimidate and dominate the victim.

“Hazing” is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term “hazing” includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or District policies/regulations.

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

CODE OF CONDUCT

products or substances.

“Material incident” of harassment/bullying means a single verified incident or a series of related verified incidents where a student is subjected to harassment/bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a verified incident or a series of related verified incidents of harassment/bullying that occur off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property, and is the subject of a written or oral complaint to the Superintendent, Principal, or their designee, or other school employee. Such conduct may include, but is not limited to threats, intimidation and/or abuse based on a person’s actual or perceived race (including not but limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex or any other legally protected status.

For the purposes of this definition, the term “threats, intimidation, or abuse” shall include verbal and non-verbal actions.

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

“Physical Restraint” means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. This does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or similar purposes.

“Retaliation” means when any employee, student, or visitor mistreats any person because they reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying. It is possible that an alleged harasser may be found to have retaliated if the underlying complaint is not found to be a violation of this Policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment. Retaliation is prohibited.

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities.

“School Function” is defined as any event, occurring on or off school property,

CODE OF CONDUCT

sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips.

“Sexual Orientation” means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality.

“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.

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

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

“Violent Student” means a student under the age of twenty-one (21) who:

- a) Commits an act of violence upon a school employee or attempts to do so.
- b) Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
- c) Possesses, while on school property or at a school function, a weapon.
- d) Displays, while on school property or at a school function, what appears to be a weapon.
- e) Threatens, while on school property or at a school function, to use a weapon.
- f) 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.
- g) Knowingly and intentionally damages or destroys District property.

“Weapon” means a firearm as defined by 18 USC 921 for the purposes of the Gun Free Schools Act and as defined in Education Law 3214 et seq. These include but are not limited to: any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling-shot, metal knuckle knife, pocket, pen, or other knife, box cutters, cane sword, electronic dart gun, throwing star or shuriken, electronic stun guns, pepper spray or other noxious spray, explosive or incendiary bomb, look-alike, toy or replica/fake weapon, or any other device, instrument, material or substance that

CODE OF CONDUCT

can cause physical injury or death when used to cause physical injury or death. A “Weapon” also includes any piece, part or component of a “Weapon” or “Other Item” as described in this Code, including but not limited to bullets, projectiles or other ammunition. Any toy, replica/fake weapon, “look- a likes” or other instruments wielded as a weapon are considered a weapon for purposes of this definition.

**II. Essential Partners****A. Teachers and Staff**

1. In recognition of their charge in educating the children of our community, it shall be the responsibility of the teachers and staff to:
  - a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex, or any other legally protected status, with the intent of strengthening students’ self-concept and promote confidence to learn.
  - b. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
  - c. Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
  - d. Participate in the establishment of school rules and regulations regarding student behavior; explain these rules to students and require observance of them.
  - e. Enable students to discuss their problems by listening to students, remaining open-minded, and consulting and acting on student recommendations in the decision-making process.
  - f. Be fair, firm and consistent in enforcing school rules in buildings, school buses, on school property and at school functions as defined by Section I(B).
  - g. Give positive reinforcement for acceptable behavior.
  - h. Demonstrate, by word and personal example, respect for law and order and self-discipline.

CODE OF CONDUCT

- i. Refer to a counselor or administrator any student whose behavior requires special attention.
- j. Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
- k. Address incidents of harassment/bullying and/or discrimination or situations that threaten the physical and/or emotional safety of a student on school property or at a school function.
- l. Verbally report incidents of harassment/bullying and/or discrimination witnessed or brought to the attention of a school employee to the appropriate building administrator and/or Dignity Act Coordinator (DAC) not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
- m. Address personal biases that may prevent equal treatment of all students on school property or at a school function.
- n. Comply with state law and regulations regarding limitations of physical restraint and corporal punishment.
- o. Report possible incidents of child abuse in both a domestic and in an educational setting.

**B. Administrators**

- 1. As the educational leaders of the school, administrators set the disciplinary climate. It shall be their responsibility to:
  - a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex, or any other legally protected status, with the intent of strengthening students' self-concept and promote confidence to learn.
  - b. Create the best teaching/learning situation possible, exercising all authority assigned by the Superintendent and Board.
  - c. Evaluate the program of instruction in the schools to achieve a meaningful education program.

CODE OF CONDUCT

- d. Help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
- e. Receive teacher or counselor referrals of students with behavior problems; confer with these students; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
- f. Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify problems and seek solutions.
- g. Provide the opportunity for students and staff to approach the administrator directly for redress of grievances.
- h. Be fair, firm and consistent in all decisions affecting students, parents and staff.
- i. Maintain open lines of communication between the school and the home.
- j. Assume responsibility for the dissemination and enforcement of the District's discipline policy and ensure that all cases are resolved promptly.
- k. Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.
- l. Enable students to discuss their problems by listening to students; remaining open-minded; and consulting and acting on student recommendations in the decision-making process.
- m. Facilitate the professional development of staff members and support in-service programs.
- n. Establish the line of administrative authority in the building in the absence of the administrator.
- o. Comply with state law, regulations, and Board Policies regarding limitations of physical restraint and corporal punishment.
- p. Report possible incidents of child abuse in both a domestic and in an educational setting.

**C. Parents**

CODE OF CONDUCT

1. To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the responsibility of parents to:
  - a. Send their child to school as required by the New York State Education Law.
  - b. Insist on prompt and regular attendance.
  - c. Make certain that all absences are properly excused.
  - d. Provide for their child's health, personal cleanliness and suitable grooming and dress.
  - e. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
  - f. Teach their child respect for law, for the authority of the school and for the rights and property of others.
  - g. Know, understand and support the rules their child is expected to observe at school; to be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's action.
  - h. Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments.
  - i. Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities and by attending parent-teacher conferences and school functions.
  - j. Provide a place for study and ensure homework assignments are completed.
  - k. Maintain a climate of mutual respect when dealing with school personnel.

**D. Board of Education**

1. A primary task of the Board of Education is to establish District policy. It shall be the responsibility of the Board to:
  - a. Adopt and support a clearly defined Code of Conduct.

CODE OF CONDUCT

- b. Provide adequate numbers and kinds of personnel and sufficient building space, so that the conditions within the school are conducive to a positive learning environment.
- c. Listen and react to the views of the total community.
- d. Employ qualified personnel who are understanding, sensitive to, and genuinely interested in, young people.
- e. Provide time for regularly scheduled in-service training for all school employees.
- f. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

**E. School Counselors**

- a. Confront issues of harassment/bullying and/or discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- b. Address personal biases that may prevent equal treatment of all students on school property or at a school function.
- c. Verbally report incidents of harassment/bullying and/or discrimination that are witnessed or otherwise brought to a staff member's attention to the appropriate building administrator and/or the Dignity Act Coordinator (DAC) in a timely manner, not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
- d. Comply with state law and regulations regarding limitations of physical restraint and corporal punishment.
- e. Report possible incidents of child abuse in both a domestic and in an educational setting.

**F. Superintendent**

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to

CODE OF CONDUCT

hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice disability sexual orientation, gender (including gender identity or expression) or sex, with the intent of strengthening students' confidence and promote learning.

- c. Review with District administrators the policies of the Board and state and federal laws relating to school operations and management.
- d. Inform the Board about educational trends relating to student discipline.
- e. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- f. Work with District administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.
- g. Review in a timely manner all reports prepared by the Compliance Coordinator or a DAC Coordinator concerning an incident of alleged harassment, bullying and/or discrimination, and ensure appropriate reports are made to law enforcement and appropriate corrective actions are taken in school.
- h. Report possible incidents of child abuse per in both a domestic setting and in an educational setting.

**III. Strategies and Procedures for the Maintenance and Enforcement of Public Order on School Property**

**A. Purpose**

The following rules and regulations are adopted for the maintenance of public order on school property. These rules shall apply to any individual on school property and/or at school functions (as defined by Section I (B)) including students, teachers, staff members and visitors.

**B. Prohibited conduct**

- 1. No person, either singly or in concert with others, shall:
  - a. Willfully cause physical injury to any other person or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which they have a lawful right to do, or to do any act which they have a lawful right not to do.

CODE OF CONDUCT

- b. Willfully damage or destroy property of the District or remove or use such property without authorization.
- c. Without permission, express or implied, enter into any private office of an administrative officer, faculty member or staff member. This prohibition does not apply to law enforcement officers or individuals designated by the Superintendent to conduct lawful investigations of alleged misconduct.
- d. Other than a student or employee, enter a classroom or the building beyond the administrative office without written permission of the Superintendent or their designee. Parents of students (who are not prohibited by being in their child's classroom by court order) need not obtain written permission from the Superintendent or designee. However, such individuals must be invited by the classroom teacher and must check in with the Building Principal's office upon arrival and departure.
- e. Enter upon and remain in any building or facility for any purpose other than for authorized uses, or in such manner as to obstruct its authorized use by others.
- f. Without authorization, remain in any building or facility after it is normally closed.
- g. Refuse to leave any building or facility after being requested to do so by an authorized administrator.
- h. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- i. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings, or deliberately interfere with any person who desires to express their views, including invited speakers.
- j. Have in their possession upon any premises to which these rules apply, any knife, shotgun, pistol, revolver, or other firearm or weapon, as defined by this Policy, without the written authorization of the Superintendent, whether or not a license to possess the same has been issued to such person.
- k. Possess, consume, use, distribute, purchase, sell, or exchange illegal substances on school property.

CODE OF CONDUCT

- l. Distribute or post any written material, pamphlet or poster without the prior written approval of the Superintendent. This should not be construed as conflicting with any rights conferred on staff members by contract or law.
- m. Use in either words, clothing or signs profane, lewd, vulgar or abusive language or words which may incite or offend another person; or constitute a health or safety hazard (including clothing that promotes the sale or use of alcohol, tobacco and/or illegal substances) or a substantial disruption or material interference with the mission, work or discipline of the school community.
- n. Urge or incite, guard, protect, aid or abet others in the commission of any of the acts herein prohibited.
- o. Plan, direct, encourage, aid or engage in hazing, harassment/bullying and/or discrimination as defined in Section I (B) of the Code of Conduct, labeled "Definitions."
- p. Use tobacco, nicotine or e-cigarette products on school property or at a school function.
- o. Violate any federal or state statute, law, local ordinance or Board policy while on school property or while at a school function.

**C. Penalties and Procedures**

1. In the case of a violation of this section or any other provision of this Code of Conduct:
  - a. Any individual authorized to be on school property or at a school function (other than students or staff) who violates the rules of this Code will be directed to leave the property or function. In the event of their failure or refusal to do so, the Superintendent or designee shall cause their ejection from such property.
  - b. In the case of any unauthorized individual who is on school property or at a school function, the Superintendent or designee shall inform the individual that they are not authorized to remain and direct them to leave such property. In the event of their failure to do so, the Superintendent or designee shall cause their ejection from such property. Nothing in this section should be construed as authorizing the presence of any such person at any time, nor affect their liability for prosecution for trespassing, loitering, etc., as prescribed in the Penal Law.

CODE OF CONDUCT

- c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in the applicable sections of this Code of Conduct or Section 3214(3) of the Education Law.
- d. In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law.
- e. In the case of a faculty member not having tenure, the Superintendent shall conduct a hearing after written notice to the teacher of the charges and shall determine the punishment of the teacher if found guilty.
- f. In the case of any staff member who holds a position in the classified Civil Service which is covered by Section 75 of the Civil Service Law, charges of misconduct for violation of any of these rules shall be made, heard and determined as prescribed in that section.
- g. In the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provisions of Section 75 of the Civil Service Law, the Superintendent shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.

**D. Procedures to Inform Law Enforcement Officials of a Crime and Filing Criminal/Juvenile Delinquency Complaints**

- 1. In the case of a violation of this section or any other provision of this Code of Conduct which constitutes a crime, the Superintendent has established the following procedures to report such an incident to the appropriate law enforcement agency and to follow through with filing a criminal/juvenile delinquency complaint:
  - a. Any individual who believes that they have witnessed a crime either on school property or at a school function should report it to the appropriate Building Principal or their designee. The Principal/designee will gather the necessary information to determine whether they believe that a crime has been committed. If so, the appropriate local law enforcement agency will be contacted immediately. If not, the Principal/designee will take whatever disciplinary steps may be necessary, consistent with this Code of Conduct. These procedures should be followed in all circumstances

CODE OF CONDUCT

except for reporting child abuse in an educational setting where the procedures for reporting such incidents are set forth in the law and Board Policy.

- b. If, in consultation with the local law enforcement agency, the District is deemed the appropriate entity to file a criminal/juvenile delinquency complaint against the Code violator, the appropriate school official (e.g., Building Principal) will be expected to file such a complaint. Where the victim of the crime is an individual, whether a student, teacher, staff member, visitor, etc., the crime victim will be strongly encouraged to file such a complaint.

**IV. Student Conduct and Discipline****A. Bill of Rights and Responsibilities of Students****1. Rights**

- a. Students of this District shall have the rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.
- b. Learn in an environment free of harassment/bullying and/or discrimination based on actual or perceived race, (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex or any other legally protected status;
- c. Participate equally in all school functions regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression) sex or any other legally protected status;
- d. Have complaints about school-related incidents investigated and responded to.
- e. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- f. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

CODE OF CONDUCT

- g. Have complaints about school-related incidents investigated and responded to.
2. It shall be the responsibility of the students to:
- a. Be aware of and obey school rules and regulations.
  - b. Accept responsibility for their own actions.
  - c. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
  - d. Attend school regularly and punctually.
  - e. Take advantage of the academic opportunities offered at school.
  - f. Be supportive of and participate in school functions.
  - g. Maintain habits of personal cleanliness.
  - h. Respect school property.
  - i. Strive for mutually respectful relationships with teachers and administrators recognizing their role as a surrogate parent in matters of behavior and discipline.
  - j. Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.
  - k. Be informed regarding student rights and responsibilities and comply with all rules and regulations of this Policy.
  - l. Act and speak respectfully about issues/concerns.
  - m. Use non-sexist, non-racist and other non-biased language.
  - n. Respect and treat others with tolerance and dignity regardless of actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex or any other legally protected status.
  - o. Use communication that is non-confrontational and is not obscene or defamatory.

CODE OF CONDUCT

- p. Report acts of harassment/bullying and/or discrimination, and other inappropriate actions that threaten the physical and/or emotional safety of others to the appropriate staff member, building administrator, or Dignity Act Coordinator (DAC).
3. The above bill of rights and responsibilities shall be publicized and explained to all students on an annual basis. The manner and extent of the publication shall be determined by the Superintendent or their designee.

**B. Student Search and Seizure:**

1. To provide and maintain a safe and appropriate environment for students to learn the following guidelines pertaining to student search and seizure are established.
2. The Board hereby authorizes administrators to undertake searches of students and their possessions (e.g., pocket contents, bookbags, handbags, etc.) based upon reasonable individualized suspicion should the circumstances arise. In the event of search and seizure, administrators must at all times take great care in searching the person and personal effects of student. The following rules will be observed:
  - a. The search may be undertaken if District employees have prior reasonable individualized suspicion that a student has violated or is violating the law, District policy or regulation or school rules.
  - b. “Reasonable individualized suspicion” is a flexible concept requiring the application of experience and common sense. Determinations should be made on a case-by-case basis, with due consideration of all circumstances. Factors which must be considered in determining whether a school administrator has sufficient cause to search a student include but are not limited to:
    - i. The prevalence and seriousness of the problem for which the search is directed.
    - ii. The urgency to make the search without delay.
    - iii. The reliability of the facts upon which to base a reasonable suspicion that the particular student has possession of evidence leading to a violation of school regulations.
    - iv. The probability that evidence will be discovered.
    - v. If a student refuses to empty their pockets and otherwise

CODE OF CONDUCT

comply with reasonable search requests, the parents will be contacted. The police will be contacted in the event that a law enforcement search is required. The student will remain under direct supervision until the search.

- c. Whenever an administrator conducts a search, the circumstances thereof are to be set forth in a written report to be filed with the Superintendent or designee.
  - d. Strip searches are generally not authorized, except in extreme circumstances that involve life safety issues and law enforcement is not available. In the event of circumstances that present unusual questions, the Superintendent or designee must authorize such search.
  - e. Students have no reasonable expectation of privacy rights in school lockers, desks or other school storage places. The District exercises overriding control over such school property and lockers, desks and other school storage places may be subject to inspection at any time by school administrators.
    - i. Student lockers, desks or other school storage places are the property of the District and remain at all times under the control of the District. Students have no expectations of privacy therein. Students are expected, however, to assume full responsibility for the security of their lockers, and the District is not responsible for stolen items. A list of the locker or lock combinations to all student lockers shall be kept in the office of the Building Principal.
    - ii. The District retains the right to inspect student lockers, desks or other storage spaces at any time without a search warrant, without notice, and without student consent. Inspections may be conducted by authorized school personnel and/or law enforcement officials and may be conducted with the assistance of drug-detecting dogs.
  - f. The District may use trained canines or related in searches of students' possessions, school lockers, cars, desks or other school storage with prior approval of the plan by the Building Principal and Superintendent.
3. Police in the School

The police may search a student, or their locker in the presence of the principal or their designee, if they have a valid warrant to do so or if they

CODE OF CONDUCT

have “probable cause” to believe that the student is in possession of contraband. When police are permitted to interview students in school, the students have the same Constitutional rights they have outside the school. Parents will be notified as soon as possible. If police wish to speak to a student concerning an out-of-school matter (in the absence of a warrant or probable cause for suspicion), they will be directed by school authorities to take the matter up directly with the student’s parents except as provided in the Reporting Child Abuse and Maltreatment Policy.

**C. Student Conduct**

1. Acceptable and appropriate conduct by students shall be consistent with the student responsibilities outlined in this Code of Conduct.

Whenever possible, teachers and staff members are encouraged to use realistic, age appropriate positive and progressive discipline and remedial techniques which reward and enforce positive behavior. The District shall formally recognize responsible student behavior in forums such as the National Honor Society induction ceremony, academic awards assemblies and certificates for perfect attendance. The District encourages the development of additional methods of recognition.

2. Examples of Unacceptable and Inappropriate behavior
  - a. Any violation of law
  - b. Being under the influence of alcohol on school property or at school functions; possessing, selling, consuming, distributing, exchanging, purchasing or being in possession of alcohol on school property or on a bus going to or from a school function or at a school function as defined by Section I (B).
  - c. Being under the influence of, the use, possession, sale or gift, distribution, purchase or exchange of Illegal Substances or Tobacco Products, as defined in this Code, or any instruments for the use of such Illegal Substance or Tobacco Product such as pipe, syringe, lighters or other paraphernalia, while on school property or on a bus going to or from a school function or at a school function as defined by Section I (B). This section shall not apply to any drug taken in accordance with a current prescription signed by a physician which is to be taken by that particular student at the time in question.
  - d. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
  - e. Issues Related to Academic Integrity.

CODE OF CONDUCT

Held with the charge of preparing students to be college, career and citizen ready, the educational staff at the District are committed to developing students' understanding of issues related to academic integrity. Specifically, students in grades 7-12 will be educated by the teacher/instructor in the first three (3) days of each course regarding issues of academic dishonesty and plagiarism.

According to Colgate University, academic dishonesty is "any attempt to misrepresent one's performance on any academic exercise submitted for evaluation." Furthermore, academic dishonesty includes "Cheating, Fabrication (of data or sources), Facilitating Academic Dishonesty, and Plagiarism."

According to Merriam-Webster Dictionary, plagiarism is defined as "the act of using another person's words or ideas without giving credit to that person."

Given this education, students are to be held accountable for maintaining a high level of academic integrity with regard to all school-related work. This includes, but is not limited to: homework assignments, essays, reports, research papers, presentations, computer work, assessments, or any other assignment that is graded or used to assess student understanding.

Given this education, all assignments are expected to be the original work of the student. With that being said, when a student:

- uses the words of another, it is expected that quotations are used and a source is cited either in the text or via footnotes,
- paraphrases and/or summarizes the words of another, it is expected that the student identify the source of the idea(s),
- uses the work of another student, that student is in violation of the expectations for academic integrity,
- provides assistance to another student in violating expectations for academic integrity, the student will also be considered in violation of the expectations for academic integrity.

Teachers play a vital role in upholding the District's principles related to academic integrity. Educational staff and administrators will utilize various methods and resources to assist in the detection of acts related to plagiarism and cheating. It is expected that all teachers will report issues of academic dishonesty and plagiarism to building level administration. After being reported, an instance of academic dishonesty or plagiarism will be handled as a disciplinary issue. If after investigation a student is found to

CODE OF CONDUCT

have violated the expectations for academic dishonesty, a score of 0 may be assigned for that assignment. Additional disciplinary measures may also be taken.

- f. Verbal or physical intimidation.
- g. Fighting or causing physical harm to another; or encouraging, aiding or facilitating another student to commit a physical or verbal threat or act of physical violence.
- h. Disrespect toward an administrator, faculty or other staff member.
- i. Possession or use of a weapon, as defined in this Code, on school property, at a school function or on a school bus.
- j. Violation of the Dress Code.
- k. Failure to comply with the directions of a teacher, administrator or other school employee.
- l. Engaging in acts of harassment/bullying or sexual harassment as defined in this Code, District policies, and the law.
- m. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person; or constitute a health and safety hazard (including but not limited to clothing that promotes the sale or use of alcohol, tobacco and/or illegal substances) or a substantial disruption or material interference with the mission, work or discipline of the school community.
- n. Selling, using or possessing obscene material.
- o. Lateness for, missing or leaving school or class without permission or an excuse given by a faculty member.
- p. Any willful act which disrupts the normal operation of the school community.
- q. Unacceptable classroom behavior including being disrespectful to a teacher or staff member or inappropriate talking in class.
- r. Unacceptable bus behavior including not staying seated, throwing objects, excessive loudness or other activities that distract the driver of the bus.
- s. Public displays of affection.

CODE OF CONDUCT

- t. Gambling.
- u. Vandalism of school property or the personal property of a teacher, administrator, staff member, student or any person lawfully on District property.
- v. Unauthorized use of internet-enabled devices in violation of Board Policy or unauthorized or inappropriate use of any other personal electronic devices.
- w. In addition to the preceding standards of conduct, the District prohibits harassment/bullying and/or discrimination as defined in this Code, against any student by staff members or students. Such conduct may include but is not limited to, conduct that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse.

The prohibition of harassment/bullying and/or discrimination includes, but is not limited to, threats, intimidation, or abuse based on the student's actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), sex or any other legally protected status.

### 3. Student Dress Code

As a general principle, students have the right to determine their own dress as it relates to taste and appearance. However, all students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions.

Students should dress in a manner that is appropriate and respectful of a professional learning environment. Issues of students dress will be handled on a case-by-case basis in a manner that demonstrates respect for the student.

Students may be required to wear appropriate protective gear in applicable classes (including, but not limited to, family and consumer science, physical education, technology, agriculture, and science lab settings). Students shall not be permitted to wear apparel that:

- a. is profane, lewd or offensive
- b. constitutes a substantial disruption or material interference with the mission, work or discipline of the educational environment and overall school community

CODE OF CONDUCT

- c. constitutes a health or safety hazard (including but not limited to clothing that promotes the sale or use of alcohol, tobacco and/or illegal substances); or
- d. otherwise infringes upon the rights of others.

Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so.

Nothing in this Dress Code will be construed to limit the ability of students to wear protective hair styles (including but not limited to braids, locks, and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item or replacing it with an acceptable article of clothing. Any student who refuses a request by the Building Principal to cover, remove, or replace the item shall be subject to discipline in accordance with this Code, up to and including suspension from school.

#### 4. Age-Appropriate Restatement of Policy

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a staff member is teasing you, making fun of you, pushing you around, or threatening you in some way because of your race (including but not limited to hair texture and protective hairstyles), color, weight, national origin (where your family comes from), immigration status or citizenship, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work because of what you think about their race (including but not limited to hair texture and protective hairstyles), color, weight, national origin (where their family comes from), immigration status or citizenship, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

#### **D. Disciplinary Responses to Student Misconduct**

The purpose of all discipline is to teach students appropriate and constructive

CODE OF CONDUCT

behaviors. Disciplinary measures shall be balanced, age appropriate, and address the seriousness of the offense and, where applicable, to the previous discipline record of the student.

Disciplinary penalties contained in this Code are advisory. As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Additionally, a student's first offense in one category, coupled with multiple offenses in other categories may result in a harsher penalty than that of another student who does not have a similar violation history. However, the District reserves the right to impose any level of discipline, even for a first offense, as the facts may warrant.

This Code divides types of misbehaviors into four (4) levels of increasing seriousness, with more stringent disciplinary measures provided for at each level. If an infraction appears to fall between two (2) levels, it should be categorized and dealt with at the less stringent level. At each level, there are examples of infractions to be treated at that level. The list is intended to be descriptive rather than exhaustive. Each level also has a description of procedures which school officials should follow in administering discipline, and a menu of disciplinary choices. Because each child and each misbehavior is different, school officials have the discretion to tailor the discipline for each infraction to best encourage the child to make better choices in the future through remedial actions to help improve student behavior, reduce repeated misbehaviors, and contribute to a more positive school environment.

Disciplinary actions may result from any incident occurring on school property, a school bus/transportation, or at a school function. Disciplinary action may also be taken if an incident occurs off school property and is deemed to be disruptive to the educational process.

Level A

These misbehaviors constitute minor infractions of school rules which cause little harm and minimal disruption. They are best handled quickly and informally. If the behaviors continue, however, their very persistence may make them disruptive enough to cause them to be treated as more serious infractions with more stringent consequences.

Examples of Infractions

1. Failure to follow instructions.
2. Minor classroom disturbance.
3. Minor aggressive act.

CODE OF CONDUCT

4. Inappropriate physical horseplay.
5. Neglect of safety rules.
6. Violation of bus rules.
7. Violation of library rules.
8. Litter.
9. Disturbance outside classroom.
10. Abuse of hall, locker, study hall or library privileges.
11. Tardiness.
12. Inappropriate language.
13. Failure to bring in a note for absence from school.
14. Parking/Riding Infractions.
15. Unauthorized use of internet-enabled or other personal electronic device

Procedures

1. The supervising teacher/staff member intervenes and applies the most appropriate discipline.
2. The supervising teacher/staff member who intervenes must submit written documentation to administration regarding the offense(s) and disciplinary action(s) taken.
3. Parent/guardian contact and/or conference will take place.
4. If misbehavior persists, the supervising teacher/staff members will conference with administration.
5. Administration will maintain a record of the offense and the disciplinary action taken.

Optional Disciplinary Responses

- A. Verbal reprimand.
- B. Seat change.
- C. Behavioral contract/management plans.
- D. Supervised study hall.
- E. Restriction loss of Extra-Curricular Activities.
- F. Restorative/reflective written assignments.
- G. Recommendation and/or referral for counseling.
- H. Parental contact and/or conference.
  
- I. Clean-up after school and/or payment of damages.
- J. Detention.
- K. Warning letter.
- L. Referral to in-school or out of school agency.
- M. Any combination of the above.

Level B

Misbehaviors included at this level are frequent and/or serious enough to disrupt the learning climate of the school and affect the student's own ability to learn.

CODE OF CONDUCT

Some of these infractions may be a result of misbehaviors which continue even after disciplinary measures are taken under Level A. Because of the frequency and/or seriousness of these misbehaviors, the administrator assumes the major responsibility for corrective action.

Examples of Infractions

1. Unmodified Level A misbehavior.
2. Defiance and/or insubordination.
3. Petty theft.
4. Gambling.
5. Use of profanity or obscenity.
6. Forgery.
7. Skipping scheduled classes or detention.
8. Harassment/bullying of others (verbal, written, cyberbullying, or any other form of verbal/non-verbal communication).
9. Minor acts involving the defacing and/or destruction of school property, including graffiti.
10. Fighting (no physical harm).

Procedures

1. The supervising teacher/staff member must submit written documentation to administration regarding the offense(s).
2. The administrator investigates the incident.
3. Based upon the investigation, the administrator determines the most appropriate disciplinary response. If the disciplinary response includes suspension, administration will adhere to the appropriate procedures.
4. The disciplinary response is communicated to the student by a student conference.
5. Parent/guardian contact and/or conference will also take place.
6. Administration will maintain a record of the offense(s) and the disciplinary action(s) taken.

Optional Disciplinary Responses

- A. Continuation of the more stringent Level A options.
- B. Recommend or refer for sustained counseling.
- C. Parental conference.
- D. Temporary withdrawal of certain privileges or participation in school activities.
- E. Teacher removal of a student from classroom\*
- F. Suspension of school bus transportation.
- G. In-school suspension.
- H. Out-of-school suspension (except for truants).
- I. Any combination of the above.

CODE OF CONDUCT

\*Such removal shall be consistent with Section IV (D) of this Code.

Level C

Classified at this level are behaviors which may cause lasting harm to the misbehaving student or which may threaten the health, safety, or emotional well-being of others in the school. If the possibility exists that misbehavior(s) at this level violates criminal law(s), administrators may contact law enforcement officials. In most cases, efforts will be made to remediate through disciplinary action at the school.

Examples of Infractions

1. Unmodified Level B misbehavior.
2. Repeated truancy.
3. The use, possession, sale and/or distributing of tobacco or tobacco related products including but not limited to: cigarettes, cigars, pipes, e-cigs, vaporizers, Juuls, lighters, matches on school property, a school bus, or at a school function.
4. Extortion.
5. Stealing, possession of stolen property, and/or sale of stolen property
6. Physically threatening other students.
7. Serious acts of defiance or threatening a teacher or support staff.
8. Fighting (physical harm).
9. Minor acts involving the defacing and/or destruction of school property, including graffiti.
10. Possessing, using, exchanging, or being under the influence of drugs or alcohol on school property, school bus, or at a school function.
11. Serious disruptive behavior.
12. Truancy.
13. Leaving school grounds without permission (elopement).
14. Interference in the execution of duties of school personnel.
15. Harassment/bullying of others (verbal, written, cyberbullying, or any other form of verbal/non-verbal communication).
16. Possession or distribution of pornographic materials.

Procedures

1. The supervising teacher/staff member may require the student to be removed from the location and/or to be escorted to the main office.
2. The supervising teacher/staff member must submit written documentation to administration regarding the offense(s).
3. The administrator investigates the incident.
4. Based upon the investigation, the administrator determines the most appropriate disciplinary response. If the disciplinary response includes suspension, administration will adhere to the appropriate procedures.

CODE OF CONDUCT

5. The disciplinary response is communicated to the student by a student conference.
6. Administrators may contact law enforcement officials.
7. Parent/guardian contact and/or conference will also take place.
8. Administration will maintain a record of the offense(s) and the disciplinary action(s) taken.

Optional Disciplinary Responses

- A. Continuation of appropriate Level B options.
- B. Full withdrawal from participation in school activities.
- C. Restitution for damages.
- D. Referral to outside agency.
- E. In-school suspension.
- F. Out-of-school suspension (except for truants).
- G. Referral to Superintendent for possible hearing.
- H. Referral to appropriate agencies.
- I. Any combination of the above.

Level D

Except for unmodified Level C behavior, the acts listed at this level are clearly criminal. They represent a direct and immediate threat to the welfare of others or may result in serious injury to the student, other people, or property. In most cases, they require administrative action which immediately removes the student from school and calls for the intervention of appropriate authorities.

Examples of Infraction

1. Unmodified Level C misbehavior.
2. Stealing, possession of stolen property, and/or sale of stolen property.
3. Extortion from other students.
4. Indecent exposure.
5. Tampering with and/or activating a fire alarm.
6. Arson.
7. Major vandalism.
8. Possession and/or use of explosives.
9. Providing, selling, and use of drugs, illegal chemical substances and/or alcohol.
10. Making a bomb threat.
11. Assault and battery.
12. Possessing or using a pellet or BB gun.
13. Possession, use, and/or transfer of weapons.
14. Hate crimes (incidents targeting individuals or groups with threats, ridicule, or violence, including written and electronically displayed ridicule).

CODE OF CONDUCTProcedures

1. The supervising teacher/staff member will immediately contact the main office. They may require the student to be removed from the location and/or to be escorted to the main office. Depending on the severity of the event, the supervising teacher/staff member, the main office, or administration may make immediate contact with law enforcement. Building administration will notify the Superintendent's office.
2. The supervising teacher/staff member must submit written documentation to administration regarding the offense(s).
3. The administrator investigates the incident. Administration, teachers, and staff will also cooperate with any investigation by law enforcement.
4. Based upon the investigation, the administrator determines the most appropriate disciplinary response. If the disciplinary response includes suspension, administration will adhere to the appropriate procedures.
5. The disciplinary response is communicated to the student by a student conference.
6. Parent/guardian contact and/or conference will also take place.
7. Administration will maintain a record of the offense(s) and the disciplinary action(s) taken.
8. The Principal will submit a report regarding the incident to the Superintendent and the Board.

Optional Disciplinary Responses

- A. Full restitution of damages.
- B. In-school suspension.
- C. Out-of-school suspension.
- D. Superintendent's hearing.
- E. Referral to appropriate agencies.
- F. Any combination of the above.

**E. Removal of disruptive students from the classroom and school property.**

1. Teacher Removal of a Disruptive Student from the Classroom
  - a. Teachers have a limited authority to remove Disruptive Students from the classroom. Such removal shall be consistent with this Code of Conduct.
  - b. A disruptive student may be removed from a teacher's classroom by the teacher for no more than two (2) days of instruction for each incident of substantial disruption of the educational process or substantial interference with a teacher's authority.
  - c. In order to initiate the removal of a student from the classroom, the

CODE OF CONDUCT

teacher must first determine that a student is disruptive. The behaviors identified as Level B behaviors under Section IV(C) Disciplinary Responses to Student Misconduct are illustrative of disruptive behavior warranting teacher removal from class. Behaviors which do not rise to the level defined as disruptive shall be subject to traditional disciplinary strategies, in accordance with this Policy.

These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in administrator’s office; (2) sending (with supervision) a student to the Principal’s office for the remainder of the class time only; (3) sending (with supervision) a student to a guidance counselor or other District staff member for counseling; or (4) assignment to time out, or “resolution and recovery”. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

In addition, teacher removal of a student from the classroom for behavior which warrants a more significant penalty, such as out-of-school suspension, does not preclude the greater discipline.

- d. If the student’s behavior is merely disruptive (not presenting a continuing danger or an ongoing threat of disruption to the academic process) the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present their version of the events. If the student’s behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately remove the student from the classroom; and explain the basis of the removal and allow the student to present their version of the events within twenty-four (24) hours of the removal. If the twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.
- e. A teacher initiating removal of a student from the classroom pursuant to the provisions of this Code of Conduct shall inform the Principal of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal.
- f. The Principal or their designee (another administrator) must inform the parent of the reasons for the removal from class within twenty-four (24) hours of the removal, provided that if such twenty-four

CODE OF CONDUCT

(24) period does not end on a school day; it shall be extended to the corresponding time on the next school day. On request, the student/parent must be given an opportunity to discuss reasons with Principal or their designee. The teacher shall be involved in the conference, unless the Principal decides based upon extenuating circumstances that it is not beneficial to have the teacher involved in such conference.

1. If the student denies the charges, the student/parent must be given explanation of basis for removal and an opportunity to represent their version. This must take place within forty-eight (48) hours of the removal. If the forty-eight (48) hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the student's removal.
2. The Principal or their designee must decide, by the close of business on the school day next succeeding the end of the forty-eight (48) hour period for an informal hearing, whether the discipline will be set aside. The Principal or their designee may only overturn the removal of a student from class if the Principal finds any one of the following:
  - a. The charges against the student are not supported by substantial evidence.
  - b. The student's removal is in violation of law.
  - c. The conduct warrants an out-of-school suspension, and a suspension will be imposed.

**F. Student Suspension from School**

1. Parental notice concerning student suspensions. When suspension of a student from attendance for a period of five (5) days or less pursuant to Section 3214(3) of the Education Law is proposed, District officials shall immediately notify the parents or guardians in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents or guardians. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or guardians. Such notice shall provide a description

CODE OF CONDUCT

of the incident(s) for which suspension is proposed and shall inform the parents or guardians of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law, Section 3214. Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or guardians to the student. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

2. Long-term (more than five (5) days) Suspension from School

- a. When the Building Principal determines that a suspension for more than five (5) days may be warranted, they shall give reasonable notice to the student and the student's parent(s) of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf. The Superintendent shall personally determine the proceeding or may, on their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measures of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
- b. An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely on the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) calendar days of the date of the Superintendent's decision. The Board will not convene to consider and decide an appeal unless the full record of the appeal has been compiled and provided to the Board in a reasonable amount of time prior to the next scheduled Board of Education meeting, then the appeal will not be considered and decided at that meeting. It will instead be considered at a later regularly scheduled Board meeting. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

3. Minimum Periods of Suspension

CODE OF CONDUCT

## a. Students Who Repeatedly are Substantially Disruptive

Students who repeatedly are substantially disruptive to the educational process or who substantially interfere with the teacher's authority in the classroom shall be subject to a minimum out-of-school suspension of two (2) days. A Disruptive Student is one who has been removed from the classroom by a teacher more than four (4) times in a semester. Such suspension period may be reduced on a case-by-case basis consistent with law.

## b. Students Who Bring to or Possess a Firearm or Weapon at School

1. Any student, other than a student with a disability, found guilty of bringing a weapon onto school property in accordance with the Gun-Free Schools Law, the Gun-Free Schools Act of 1994, New York State Education Law Section 3214, and this Board Policy, shall be subject to a suspension from attendance upon instruction for a period of not less than one (1) calendar year.

The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or appropriate law enforcement officials.

## c. Minimum Suspension for Violent Students, Other than Students Who Bring or Possess a Firearm or Weapon to School

1. Teachers shall immediately report and refer a violent student to the Principal or Superintendent for a violation of

CODE OF CONDUCT

this Code of Conduct.

2. Students who are deemed to be a “Violent Student” other than those who bring or possess a firearm or weapon to school in violation of the Gun-Free School Act and are subject to the provisions of subsection (b), above, shall be subject to a minimum out-of-school suspension of at least five (5) days. Such suspension may be modified or reduced on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent and/or Principal may consider factors such as the student’s age, grade in school, prior disciplinary record, belief that other forms of discipline may be more effective, input from parents, teachers and others, and other extenuating circumstances.

Continued educational programming and activities shall be offered to students removed from the classroom, placed in detention, or suspended from school. These shall include alternative programs appropriate to individual student needs.

**G. PINS Petition/Referral to Human Services Agencies**

1. Counseling/Human Services Agencies

The Guidance Office shall handle all referrals of students to counseling.

When any student is beyond the scope of the District’s resources, a referral to appropriate human service agencies may be made. All administrators, faculty, and other support staff will be responsible for communicating the need for such referrals to the Building Principal or their designee.

2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of eighteen (18) who demonstrates that they require supervision and treatment due to:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law; and/or
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.

3. Juvenile Delinquents and Juvenile Offenders

- a. The District Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before

CODE OF CONDUCT

the Family Court:

Any student less than eighteen (18) years old who is found to have brought a weapon to school, except any student fourteen (14) or fifteen (15) years who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

- b. The Superintendent is required to refer students to the appropriate law enforcement authorities who are sixteen (16) years old or older or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

**V. Procedure in the Early Identification, Responding to and Resolution of Discipline Problems**

- A. Student service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the Code of Conduct to the Building Principal. Parents also are invited to advise the Building Principal of concerns the parents may have regarding their children pertaining to the Code.
- B. Students are expected to report to teachers or to the building administrator any student who appears to be having discipline problems. Students are expected to cooperate in any conference regarding the discipline of that student.
- C. When the Building Principal is aware of, or has received a report from student service personnel, administrators, teachers, students or parents, the Building Principal shall conduct whatever inquiry the Principal considers appropriate.
- D. If the Building Principal, after such inquiry, considers there is a basis for concern, the Principal shall arrange to have a meeting with the parents and/or guardians and appropriate staff members to review the matter and create a plan to resolve the discipline problems.
- E. The purpose of the procedure is to identify early possible problems and to resolve these disciplinary problems. The District shall assign such support personnel to assist the parties, considering the resources available at any given time.
- F. Responding to Reports of Possible Harassment or Discrimination.

**VI. Dignity for All Students Act (DASA)**

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is

CODE OF CONDUCT

compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing, and intimidation. The District will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual

orientation, gender (including gender identity or expression) or sex by school employees, or students on school property, or at school-sponsored events and activities that take place on, or off school property. In addition, any discrimination or harassment outside of school-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline.

The District has designated a Dignity Act Coordinator (DAC) for each school. Those coordinators are:

Andre Paradis, JSHS Principal Telephone: (315) 841-3842

Crystal Chrisman, MPS Principal Telephone: (315) 841-3784

The Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), and sex. They are available to speak with any person who has witnessed possible harassment/bullying and/or discrimination, or if that person has experienced treatment that may be prohibited harassment/bullying and/or discrimination.

The District provides a procedure for responding to reports of possible harassment/bullying and/or discrimination against students by another student, an employee, or any other person on school property or at a school function.

The school Principal or their designee, are responsible for receiving reports of alleged acts of harassment/bullying and/or discrimination. The Principal, Superintendent or the Principal's or Superintendent's designee may lead the thorough investigation of all reports of harassment/bullying and/or discrimination. In the event that the Principal is the alleged offender, the report will be directed to the Superintendent.

The District will take prompt action to investigate any alleged act of harassment/bullying and/or discrimination, from reports received, whether written or verbally reported, and will take steps necessary to protect the student from any further harassment/bullying and/or discrimination.

CODE OF CONDUCT

If a student witnesses or is the subject of harassment/bullying and/or discrimination, or is aware of any such acts, they should immediately report the incident to any staff member or administrator.

The staff member and/or administrator shall document and take appropriate actions to address the occurrence and promptly report to the Building Principal or their designee.

When an alleged incident of harassment/bullying and/or discrimination is reported to or witnessed by a staff member, the staff member must take prompt action, notifying the Building Principal, or their designee no later than one (1) school day after the staff member receives or is witness to the incident. The staff member must then file a written report to the Building Principal or their designee no later than two (2) school days after making the oral report.

The Principal or their designee will lead or supervise an investigation of the alleged incident of harassment/bullying and/or discrimination. The Building Principal or their designee shall ensure that the investigation is undertaken promptly, treated as confidential, and follows the procedures set forth in the Code of Conduct.

If the investigation determines that a material incident of harassment/bullying and/or discrimination has occurred, steps will be taken as warranted to:

- Ensure the safety of the student.
- Eliminate the hostile environment where the harassment/bullying and/or discrimination occurred.
- Follow up to ensure the interventions put in place eliminated the harassment/bullying and/or discrimination, including retaliation.
- Work to create a more positive school culture and climate.

With respect to such acts of harassment/bullying against students by students, The District will incorporate a progressive model of student discipline that includes measured, balanced and age- appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of this Code.

The Principal, Superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when they believe that any harassment, bullying or discrimination constitutes criminal conduct. The Principal or the Principal's designee shall provide a regular report, at least once during each school year, on data and trends relating to

CODE OF CONDUCT

harassment, bullying and/or discrimination to the Superintendent.

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

**VII. Students with Disabilities**

- A. The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.
  - 1. A student with a disability may not be removed pursuant to Section 201.7 of the Regulations of the Commissioner of Education if the imposition of the five (5) school day or ten (10) school day suspension or removal would result in a disciplinary change in placement as defined in this Policy based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(3)(ii) except where the CSE has determined in accordance with section 201.4 that the behavior was not a manifestation of such students' disability, or the student is placed in an IAES as authorized under Commissioner's Regulations.
- B. Accordingly, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform with the procedural safeguards required by applicable laws and regulations.
- C. Special Rules Regarding the Suspension or Removal of Students with Disabilities
  - 1. The District's Committee on Special Education shall:
    - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school calendar year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from their current educational placement for more than ten (10) school days in a school calendar year is subjected to a

CODE OF CONDUCT

suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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

- a. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA (Individuals with Disabilities Education Act) and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The Superintendent, Building Principal or other school administrator imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
      - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
      - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the

CODE OF CONDUCT

student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.
4. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal. The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

D. Expedited Due Process Hearings

CODE OF CONDUCT

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, 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 their 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 their 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.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
    - (2) 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.
2. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, they must mail a written decision to the District and the parents within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

## E. Referral to law enforcement and judicial authorities

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

CODE OF CONDUCT

1. 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.
2. 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.

**VIII. Conduct by School Employees**

A. Acceptable conduct by school employees shall be consistent with the role of teachers and staff outlined in this Code of Conduct.

B. Unacceptable conduct by school employees

Unacceptable conduct by school employees shall be evaluated consistent with the strategies and procedures for the maintenance and enforcement of public order on school property, other provisions of this Code of Conduct and other applicable laws, rules and collective bargaining agreements.

C. Prohibition of Corporal Punishment

1. Pursuant to Commissioner's Regulation 19.5, teachers, administrators, officers, employees, and agents are prohibited from using the following against a student:
  - a. Corporal punishment;
  - b. Placing a student in a locked room or space;
  - c. Restraints used in such a manner that restrict the student's ability to breathe or communicate, or that harms the student;
  - d. Aversive interventions;
  - e. Prone restraints; and
  - f. Mechanical restraints.
2. The use of physical restraint will align with NYS law and regulations, and as outlined in Policy 7069.

D. Acceptable Attire

Appropriate professional attire is expected to be worn by all staff members. Clothing shall be neat and clean, shall not be profane, lewd or offensive; not constitute a health or safety hazard (including but not limited to clothing that promotes the use or sale of alcohol, tobacco and/or illegal substances) or a substantial disruption or material interference with the work or discipline of the school.

E. Communication with Parents, Students, Other School Employees, Administrators, or other Persons on School Property, Employees of the District,

CODE OF CONDUCT

shall refrain from the use of profane, lewd, vulgar or abusive language or words which may incite or offend another person.

**IX. In-Service Education Programs**

At the start of each school year, the District shall provide all staff with in-service education regarding District policy for conduct on school property and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging harassment/bullying and/or discrimination against students by other students or school employees.

**X. Maintenance and Enforcement of Code of Conduct****A. Annual Review**

This Code of Conduct shall be reviewed annually and updated as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration.

**B. Modifications to the Code of Conduct**

The Board of Education may adopt any revision to the Code of Conduct only after at least one (1) public hearing that provides for the participation of school personnel, parents, students and any other interested party.

**C. Review Committee**

The District may establish a committee pursuant to facilitate the review of this Code of Conduct and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

**D. Filing**

The District shall file a copy of its Code of Conduct along with any amendments with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

**E. Community Awareness**

The Board of Education shall ensure community awareness of these provisions and of the Code of Conduct by:

- a. Posting the complete Code of Conduct, respectively, on the District's website, including any annual updates or amendments thereto.

CODE OF CONDUCT

- b. Provide copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
- c. Provide by mail a plain language summary of the Code of Conduct to all parents and/or guardians to the student(s) before the beginning of each school year and making the summary available thereafter upon request.
- d. Provide each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct and providing new teachers with a complete copy of the current Code of Conduct upon their employment.
- e. Make complete copies of the Code of Conduct available for review by students, parents and/or guardians to students, other school staff, and community members.
- f. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment/bullying and/or discrimination against students and/or school employees.
- g. Provide “safe and supportive school climate concepts” in the District curriculum.

The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

**F. Programs for In-service Education for District Employees**

At the start of each school calendar year, the District shall provide all staff with in-service education regarding District Policy for conduct on school grounds and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

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Waterville Central School District

Cross Ref: 1016, Visitors to the Schools

Legal Ref: NYS Education Law §2801, 3214; 8 NYCRR § 100.2

Adopted: 12/01/72

Revised: 07/23/96, 10/10/06, 09/14/10, 08/21/12, 11/08/16, 07/10/18, 07/07/20, 04/27/21, 07/11/23, 08/12/25