



Nyack Public Schools

Code of Conduct

Adopted by the Nyack Board of Education - September 3, 2024

The Mission Statement of the Nyack School District is built upon a set of values that establish the framework and the direction of daily life in our school community.

We value:

- The richness of our diverse community
- Harmonious relationships among individuals and groups
- Partnerships among students, staff, parents and community
- The pursuit of scholastic excellence
- Respect for self and others
- Responsible ethical behavior that engenders trust
- Individuals who think critically and creatively
- Ongoing involvement in local and global issues
- Development of essential skills and attitudes for a productive life
- Meeting the needs of all students
- A safe and nurturing environment

The Code of Conduct and District Safety Plan have been written as vehicles to assist us in communicating and acting upon these values. It is the intention of the Nyack School District to implement these regulations in a manner that is respectful of the strength that diversity in approach can bring to attaining our common goals in a positive and productive manner. The safety and security of our students are our first priority.

Relationships:

The Nyack School District recognizes that affirmative relationships that are nurtured and encouraged create a healthy environment that is supportive of productive problem solving and conflict resolution. Providing students and staff with opportunities to learn about each other and to develop constructive relationships is a goal that is shared throughout the school community.

Specific strategies and activities currently in place include:

- Advisory (6-8)
- Peer mediation (6-12)
- Leadership Training (HS)
- Restorative Practices (HS)
- Social Emotional Activities led by School Counselors (HS)
- Social Emotional Homeroom (HS)
- Teacher Mentoring of Students (HS)

It is the goal of the Nyack School District to endeavor to build these bridges between and among the members of our school community as the cornerstone of our efforts to provide a safe and secure learning environment for everyone.

NEW YORK STATE CODE OF ETHICS FOR PROFESSIONAL EDUCATORS

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to

promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards.

They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

CODE OF CONDUCT

5300.05 INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians and other visitors when on school property, attending a school function, on or off school property, or on a school vehicle.

Nyack's Code of Conduct is "developmentally appropriate." It is organized first by grade level clusters (K-5 and 6-12), then by level of disciplinary offense, with Level One (1) offenses being the least serious, and Level Five (5) offenses being the most serious. Each grade level cluster and disciplinary offense level lays out its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or Pupil Personnel Services (PPS) interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive. The lists of offenses, disciplinary responses, and/or PPS responses that you will see in this Code of Conduct are not intended to be exhaustive. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the Code of Conduct. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the district's Code of Conduct. The District also reserves the right to modify disciplinary responses and/or PPS interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e. a student may engage in behavior that severely hurts another at the beginning of the year and receive a five (5) day out-of-school suspension because of the seriousness of the offense; the same student, five (5) months later, may engage in "rough-housing" and receive a one (1) day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic. No offense in the Nyack Public Schools' Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic five (5) day out-of-school

suspension to a student who has engaged in a fight, or that automatically assigns a three (3) day suspension to a student who has engaged in verbal abuse towards another student); rather, district administrators, having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question *to the degree* that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences. (See page twenty-three (23), "Minimum Periods of Suspension.") The Superintendent and her designees however have the power to modify these minimum periods.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school. Any infraction against the Code that occurs off the premises of the Nyack Public Schools that endangers the safety, morals, health or welfare of students or staff members within the school and/or adversely affects the educative process may result in disciplinary consequences being assigned to a student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

CODE OF CONDUCT

5300.10 DEFINITIONS

For purposes of this Code, the following definitions apply.

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

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

NOTE: The Code of Conduct defines "parent" broadly to include guardians to avoid using parent/guardian throughout the entire document. The definition is purely stylistic.

"Gender" means a set of social expectations for behavior, dress, etc. which is often based upon a person's assigned sex at birth. Gender includes identities like woman, man, and many others.

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

"Gender identity" is every person's inner sense of themselves as distinguished from biological sex or assigned sex at birth. Gender identity is a mental, emotional, and

spiritual state, which is not determined by a person's body parts.

"Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

"Race" includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

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

"School function" means any school-sponsored co-curricular event or activity.

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

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

"Responsibility" is an obligation to behave in accordance with social norms and being held accountable for one's actions.

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

"Sexual orientation" describes a person's romantic and/or sexual attraction to other people based on gender. Sexual orientation is distinct from a person's gender identity and gender expression.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.

3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

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5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Be provided with the chance to be successful.
5. Be respected.
6. Be provided with a caring learning environment.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and co-curricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop appropriate mechanisms to manage emotions during school and at school functions.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline. Enlist the help of District staff when potentially dangerous situations might occur.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored co-curricular events, both home and away, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Actively engage in prevention counseling as needed.

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5300.20 ESSENTIAL PARTNERS

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

Those responsibilities include but are not limited to the following:

A. Parents/Guardians

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, parents will be encouraged to promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach.

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Discuss responsible use of social media platforms with their child.

We encourage parents and guardians to work closely with their children's teachers by monitoring their schoolwork at home, by quickly bringing any concerns they might have to their teachers' attention, by responding as quickly as is reasonably possible after receiving ~~a note or phone call~~ communication from school, and by working with teachers and administrators to help continuously improve their children's academic, co-curricular and extra-curricular programs within the spirit of this Code of Conduct.

B. Staff

1. Teachers

All district teachers are expected to:

- a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-concept and promote confidence to learn.
- b. Be a positive role model by exhibiting proper conduct and attire befitting the profession.
- c. Demonstrate interest in teaching and concern for student achievement.
- d. Know school policies and rules, and enforce them in a fair and consistent manner.
- e. Communicate to students and parents:
 - i. Course objectives and requirements
 - ii. Marking/grading procedures
 - iii. Assignment deadlines
 - iv. Expectations for students
 - v. Classroom discipline plan.
- f. Communicate regularly with students, parents and other teachers concerning communication.
- h. Build good relationships with parents, other teachers and students.
- i. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
- j. Lead by example.
- k. Create lessons which are reflective of your students' needs and are culturally responsive.
- m. Teachers will present information and make resources available which are representative of multiple perspectives.
- l. Maintain confidentiality in conformity with federal and state law.
- m. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- n. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- o. Be open to active participation in resolving conflicts through a restorative process.
- growth and achievement.
- g. Respond to parents within twenty-four (24) hours of receiving

2. School Counselors

All school counselors are expected to:

- a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- b. Assist students in coping with peer pressure and emerging personal, social and emotional development.
- c. Coordinate in teacher/student/counselor conferences and parent/teacher/student/counselor conferences.
- d. Know school policies and rules, and enforce them in a fair and consistent manner.
- e. Regularly review with students their educational progress and career plans.
- f. Build good relationships with parents, teachers and students.
- g. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- h. Provide information to assist students with career planning.
- i. Encourage students to benefit from the curriculum and co-curricular programs.
- j. Will respond to parents within twenty-four (24) hours of receiving a note or a telephone call.
- k. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
- l. Lead by example.
- m. Provide culturally responsive counseling services and resources.
- n. Maintain confidentiality in accordance with federal and state law.
- o. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- p. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- q. Be open to active participation in resolving conflicts through a restorative process.

3. Psychologists

- a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

- b. Identify and give appropriate tests to students in a timely fashion after receiving necessary approvals to evaluate needs appropriately. Within 24 hours after the evaluation is completed, call the student's parent or guardian.
- c. Respond within twenty-four (24) hours to any communications from parents or guardians.
- d. Build good relationships with teachers, parents and students.
- e. Maintain a climate of mutual respect and dignity.
- f. Work with the school community ~~and the Board~~ to create academic and behavioral programs to promote the health and safety of our students.
- g. Lead by example.
- h. Provide culturally responsive counseling services and resources.
- i. Maintain confidentiality in accordance with federal and state law.
- j. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- k. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- l. Be open to active participation in resolving conflicts through a restorative process.

4. Social Workers

- a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- b. Support families in school and the community.
- c. Identify students' or families' concerns that impact school and meet their needs.
- d. Respond within twenty-four (24) hours to any communications.
- e. Build good relationships with teachers, parents and students.
- f. Maintain a climate of mutual respect and dignity.
- g. Work with the school community ~~and the Board~~ to create academic and behavioral programs to promote the health and safety of our students.
- h. Lead by example.
- i. Provide culturally responsive counseling services and resources.
- j. Maintain confidentiality in accordance with federal and state law.

- k. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- l. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- m. Be open to active participation in resolving conflicts through a restorative process.

5. Principals

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity and expression) or sex.
- b. Ensure that students, staff and parents have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- c. Maintain a climate of mutual respect and dignity.
- d. Build good relationships with teachers, parents and students.
- e. Evaluate on a regular basis all instructional programs.
- f. Support the development of and student participation in appropriate co-curricular activities.
- g. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- h. Enforce the student dress code.
- i. Will respond to parents within twenty-four (24) hours of receiving communication.
- j. Work with the community and the Board to create academic and behavioral programs to promote the health and safety of our students.
- k. Lead by example.
- l. Ensure that school practices and climate are culturally responsive.
- m. Maintain confidentiality in accordance with federal and state law.
- n. Participate in school-wide efforts to provide adequate supervision in all school spaces.
- o. Address personal biases that may prevent equal treatment of all students and staff.
- p. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

- q. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- r. Be open to active participation in resolving conflicts through a restorative process.

6. The Dignity Act Coordinator(s)

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- b. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
- c. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- d. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
- e. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
- f. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- g. Address personal biases that may prevent equal treatment of all students and staff.

7. Superintendent

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- b. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- c. Inform the Board about educational trends relating to student discipline.
- d. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- e. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- f. Be available to parents and the community and respond to messages in a timely fashion.

- g. Maintain a climate of mutual respect and dignity.
- h. Build good relationships with teachers, parents and children.
- i. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
- j. Lead by example.
- k. Ensure that district-wide practices and climate are culturally responsive.
- l. Maintain confidentiality in accordance with federal and state law.
- m. Participate in school-wide efforts to provide adequate supervision in all school spaces.
- n. Address personal biases that may prevent equal treatment of all students and staff.
- o. Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.
- p. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- q. Be open to active participation in resolving conflicts through a restorative process.

8. Board of Education

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- b. Maintain confidentiality in accordance with federal and state law.
- c. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
- d. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- e. Adopt and review annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- f. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

- g. Build good relationships within our school community.
- h. Maintain a climate of mutual respect and dignity.
- i. Work with the school community to create academic and behavioral programs to promote the health and safety of our students.
- j. Ensure that district policy, practices and climate are culturally responsive.
- k. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- l. Address personal biases that may prevent equal treatment of all students and staff.
- m. The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- n. Be open to active participation in resolving conflicts through a restorative process.

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5300.25 STUDENT DRESS CODE

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

A student's dress, grooming and appearance must:

1. Be unlikely to injure people or damage property, according to this code, and not disrupt or materially interfere with the educational process.
2. Recognize that private areas must remain covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include headgear or sunglasses, except for religious or documented medical reasons.
5. Not include items that are vulgar, obscene, libelous, or denigrate, harass, or discriminate against others on account of race, color, weight, religion, religious practice, disability, creed, national origin, ethnic group, gender, sex, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or controlled substances or illegal drugs and/or encourage other illegal or violent activities.

Nothing in this policy will be construed to limit the ability of students to express their gender identity or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

Each Building Principal or designee is responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and to minimize loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students privately, determine if there are factors impacting the student's ability to meet the dress code, and help address these issues. Students whose appearance violate the student dress code are required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so will be subject to discipline. Any student who repeatedly fails to comply with the dress code will be subject to further discipline.

CODE OF CONDUCT

5300.30 EXPECTATIONS FOR STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

A. Engage in conduct that is disorderly. Examples of this type of behavior include, but are not limited to:

1. Running or otherwise unsafe behavior in hallways.
2. Making unreasonable noise that is disruptive over time to the peace and harmony of the classroom and/or the school building.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
8. Using cell phones, headsets, earbuds, other listening devices, iWatch, or any other electronic devices during class periods, unless expressly indicated as necessary or optional by teachers for lesson activities. Students will be permitted to carry these devices; however, they must be kept away, out of sight, and silenced during class periods. THE SCHOOL IS NOT LIABLE FOR THE LOSS OR DAMAGE OF THESE ITEMS.

B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate. Examples of this type of behavior include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating belligerence or disrespect.
2. Lateness for missing or leaving school without permission.
3. Skipping detention.
4. Leaving a classroom without the teacher's permission.
5. Misusing classroom passes

C. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive. Examples of this type of behavior include, but are not limited to:

1. Failing to comply with school rules and the Code of Conduct.
2. Inappropriate public sexual contact
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, cameras, in a manner that is in violation of district policy.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching or doing any of these repeatedly [fighting]) upon a teacher, administrator, other school employee, another student or any other person lawfully on school property, or attempting to do so.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon or using any weapon.

These include, but are not limited to:

- a. A firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;
 - b. A switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
 - c. A billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
 - d. A sandbag or sand club;
 - e. A sling shot or slung shot;
 - f. A martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;
 - g. An explosive, including but not limited to, a firecracker or other fireworks;
 - h. A deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - i. An imitation gun;
 - j. Loaded or blank cartridges or other ammunition; or
 - k. Any other deadly or dangerous instrument.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 6. Intentionally damaging or destroying school district property.

- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of this type of conduct include, but are not limited to:
1. Lying to school personnel
 2. Unlawful or reckless driving or parking
 3. Subjecting other students, school personnel, or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct, which creates a substantial risk of physical injury.
 4. Robbing (forcible stealing) or stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 5. Burglary
 6. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 7. Discrimination, which includes the use of race, color, creed, national origin, religion, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 8. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
 9. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 10. Bullying, which consists of willful, persistent, abusive or insulting, coercive, manipulative or hostile behavior, abuse of a position of power (being bigger in size or stronger or older) which makes the recipient feel upset, threatened, humiliated or vulnerable, and which undermines his or her self-confidence, productive attitude and/or his or her ability to develop socially, emotionally or intellectually, and which may cause him or her any degree of stress or other psychological suffering. Bullying may be in the form of remarks, put-downs, teasing, taunting, or badgering and may be verbal or in writing.
 11. Cyber-bullying consists of the use of information/communication technologies such as landline telephones, cell phones, text messaging, e-mail, instant messaging, message boards, personal websites, personal web pages or spaces on various social media platforms to produce, encourage or support deliberate, repeated, abusive, derogatory or insulting, coercive, manipulative, threatening or hostile written statements, pictures or videos (whether the statements are true or not, or whether the pictures or videos are valid or fabricated) by an individual or group with the intent to cause harm to

- an individual or group and which makes the recipient feel upset, threatened, humiliated or vulnerable, and which undermines his or her self-confidence, productive attitude and/or his or her ability to develop socially, emotionally or intellectually, and which may cause him or her any degree of stress or other psychological suffering.
12. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 13. Any form of coercion.
 14. Selling, using or possessing obscene material.
 15. Using vulgar or abusive language, cursing or swearing.
 16. Smoking a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
 17. Spitting on school property.
 18. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to vapes, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, lookalike drugs and any substance commonly referred to as "designer drugs" or "club drugs," such as "ecstasy."
 19. Inappropriately using or sharing prescription and/or over-the-counter drugs.
 20. Gambling.
 21. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 22. Initiating a report warning of fire or other catastrophe (e.g. bomb threat) without valid cause, misuse of 911, or discharging a fire extinguisher.
 23. Engaging in inappropriate intimate physical contact on school property or at any school event on or off campus, either forcibly or with no forcible compulsion.
 24. Associates or affiliates with a gang; intentionally causes, encourages, or solicits another person to join a gang; provides any material form of support to a gang or its causes; provides any conspicuous moral support for a gang or its cause through egregious gang-like language, dress, or the carrying of gang paraphernalia.
 25. Sexual harassment, including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- F. Engage in misconduct otherwise prohibited by sections A-E of this section while on a school bus. Students must remain seated, keep objects and body parts inside the bus, and obey

the directions from the bus driver or monitor. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. (Please see the district's Transportation Code of Conduct on Page fifty (50)).

- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
 - 1. Plagiarism, including electronic resources.
 - 2. Cheating, including the use of Artificial Intelligence (AI) to create work that is not one's own, and cheating through the use of electronic communications devices.
 - 3. Copying.
 - 4. Altering records.
 - 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misbehavior includes threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

CODE OF CONDUCT

5300.35 REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal, Assistant Principal or Dean or designee. Any student who witnesses a violent or criminal act or is aware of a potentially violent or criminal act on school property or at a school function shall promptly report the matter to a teacher, guidance counselor, school security officer, the building Principal, Assistant Principal, Dean or Superintendent of Schools. The District will hold the identity of the reporter in confidence to the maximum extent possible.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Principal or their designee shall notify the Coordinator of Alcohol and Substance Abuse and Awareness Programs also known as District Student Support and Prevention Services for code of conduct violations regarding alcohol or/and illegal substances for follow up with the student and/or family to offer information, resources and support.

The Principal or their designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, or email followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

CONCERNING REPORTING OF HARRASSMENT, INTIMIDATION, BULLYING or CYBER-BULLYING:

Any student or building employee who has witnessed or has reliable information that a person has been subjected to the above must report such incident to the Principal or his/her designees. The Principal will then initiate an investigation of the incident and take appropriate action in response as necessary. The district will make available forms for the reporting of such incidents. These forms will be available in the Principal's office of each building.

Parents/guardians and students are encouraged to submit a completed DASA form to the Principal or their designee to report harassment, intimidation, bullying, or cyber-bullying.

CODE OF CONDUCT

5300.40 DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS

Historically, the discipline of students in schools has focused mainly on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detentions and suspensions.

However, understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes restorative justice practices to be employed where appropriate, use conflict resolution, restitution to those harmed, and group, classroom, community and re-entry circles to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others’ opinions, and reintegrating into the school community.

Under this model, we ask:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Essential to the implementation of restorative justice practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;
- Be given the opportunity to learn pro-social strategies/skills to use in the future; and
- Understand the progression of more increasingly punitive consequences may be imposed if the behavior reoccurs.

While there may be more traditional punishments in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs staff and administration to utilize restorative justice practices where appropriate in addressing student disciplinary issues.

In the application of restorative principles, the process is always voluntary for the students. Any parent (or student over the age of eighteen (18)) can request to go to the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

Consequences, and if needed discipline, are most effective when they are developmentally appropriate to a child's age, deal directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Consequences and disciplinary action, when necessary, will be ~~firm~~ restorative, fair and consistent so as to be most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, district staff are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability will not be disciplined for behavior related to their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Consequences

Practices which allow educators to address disciplinary matters as opportunities for learning instead of punishment are expected by the Board rather than a reliance on increasing punitive measures. When choosing interventions and consequences of student's behavior, teachers, administrators, and staff must

balance the district's dual goals of eliminating school disruptions and maximizing student instruction time.

Students who are found to have violated the District's Code of Conduct may be subject to the following interventions and consequences, either alone or in combination. The school personnel identified after each consequence are authorized to assign that consequence, consistent with the student's right to due process.

In conjunction with the list below, administration (with supports from counselors) can employ conflict resolution meetings, restitution to those harmed, and group, classroom, classroom, community, and/or re-entry circle. Except in limited circumstances, restorative justice practices will always be considered first in dealing with disciplinary issues.

Should a parent or student over the age of eighteen (18) opt out of participating in the restorative practices or if restorative practices have not been effective with the student in question, the list below will be utilized to determine consequences.

1. Oral warning, teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privileges - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Assistant Principal, Dean, Superintendent or the Superintendent's designee
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Assistant Principal, Dean, the Principal's designee, Superintendent or the Superintendent's designee
4. Student/teacher conference
5. Student/teacher/parent conference (which may also include the dean, assistant principal or guidance counselor)
6. Teacher detention or administrative detention - teachers, Principal, Assistant Principal, Dean, the Principal's designee, Superintendent or the Superintendent's designee
7. Suspension from transportation - Coordinator of Transportation, Principal (or designee), Superintendent (or designee)

8. Suspension from athletic participation - coaches, Principal, Assistant Principal, Dean, Director of Athletics, Superintendent or the Superintendent's designee
9. Suspension from social or co-curricular activities or extracurricular activities – activity advisor, Principal, Assistant Principal, Dean, Superintendent or the Superintendent's designee
10. Suspension of other privileges - Principal, Assistant Principal, Superintendent or Superintendent's designee
11. Alternative Instructional Program (In-school) – Principal (or designee), Assistant Principal, Superintendent
12. Removal from classroom by teacher - teachers, Principal, Assistant Principal, Dean
13. Short-term (five (5) days or less) suspension from school - Principal, Assistant Principal, Superintendent or Superintendent's designee
14. Long-term (more than five (5) days) suspension from school - Superintendent, Board
15. Permanent suspension from school - Superintendent, Board.

B. Procedures

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

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

1. Detention

Teachers, Principals and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers may assign tenth (10th) Period teacher detention as part of the

student's school workday without informing the student's parent or guardian. Administrative after-school detention may also be imposed as a consequence. The administrator must inform the parent or guardian of the date(s) and time(s) of the detention before the student serves. If the parent or guardian suggests other dates or times for the detention due to family or transportation constraints, the administrator will work with the parent or guardian to modify them as such. The parent/guardian has up to one week from the day the administrator assigned the detention to work with him/her to modify the date(s) and times(s).

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education in a timely fashion after being notified of the situation.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the consequence involved.

3. Suspension from athletic participation, co-curricular activities and other privileges

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

4. Alternative Instructional Program (AIP)

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in an alternative instructional program in school.

A student who is placed in an alternative instructional program is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with a school official to discuss the conduct and the consequence involved.

5. Teacher Disciplinary Removal of Disruptive Students

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

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include using affective statements, using affective questions, establishing relationship with students, giving positive directives that state expectations, and giving positive and specific feedback etc.

On occasion, a student's behavior may become more disruptive than a teacher can manage. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the

student is removed. Only after the informal discussion may a teacher remove a student from class.

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

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

Within twenty-four (24) hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal may require the teacher who ordered the removal to attend the informal conference.

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

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

- a. The charges against the student are not supported by substantial evidence.

- b. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

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

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

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

6. Suspension from School

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others or are repeatedly substantially disruptive or for whom restorative practices have not been effective.

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

Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

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

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report

and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Students who participate in restorative practices ending in restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the district.

a. Short term (five (5) days or less) Suspension from School

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/guardians or persons in a parental relationship of the right to request an immediate informal conference with the Principal. Whenever possible, both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within thirty (30) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education, within thirty (30) days of the decision.

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

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) business days of the date of the Superintendent's decision unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education, also within thirty (30) days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in restorative conference, reentry circles, counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions will be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

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

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

2. Students who commit violent acts other than bringing or possessing weapons on school property.

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school

property, shall be subject to suspension from school for at least five days. If the proposed consequence is the minimum five (5) day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum five (5) day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five (5) day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. School Counseling Interventions

Parent Outreach: School counseling staff will keep parents informed of their child's behavior and will enlist the parent as a partner in addressing areas of concern. Outreach to the parent can include, but is not limited to: a phone call and/or written communication.

Intervention by Counseling Staff: Where available, school-based counseling staff can intervene with students who are upset during and after the disciplinary process. Services can include brief interventions,

consultations and assessments, screenings, crisis intervention, referrals and linkage with community-based programs.

Guidance Conference: Principals and teachers may request a school counselor guidance conference with the student and, where appropriate, with the parent or guardian. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.

Individual/Group Counseling: Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.

Peer Mediation: Peer mediators help classmates identify the problems behind their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.

Mentoring Program: A mentoring program matches a mentor who may be a counselor, teacher, student and/or leader with a protégé. The object of this relationship is to help the protégé in his/her personal, academic and social development.

Conflict Resolution: Conflict resolution provides an opportunity to empower students to take responsibility for peacefully resolving conflict. The related activities teach students, parents, and staff, problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.

Development of individual behavior contract: Students meet with teachers, counselors or the school psychologist to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent or guardian.

Short-term behavioral progress reports: Teachers and/or counselors, deans, assistant principals or principals may send behavioral progress reports to parents/guardians on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.

Referral to IST (Instructional Study Team): Instructional Study Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that

an individualized plan can be created to help students overcome their academic and/or socioemotional difficulties.

Community Service (with parental consent): Students may be provided with community service opportunities so that they gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents. Community service can help students occupy their time with positive activities, avoid negative behavior and learn the value of service to others.

Referral to a Community Based Organization (CBO): Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

Referral to appropriate substance abuse counseling services: In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.

E. Referrals to Outside Agencies

1. 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 he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article sixty-five (65) of the Education Law.
- b. Being ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or
- d. Appearing to be a sexually exploited child under Social Services Law §447- a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

For items 'a' and 'b' above, when filing the petition, the district must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

2. Juvenile Offenders

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

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

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except for a pocket knife with a blade less than two and one-half (2½) inches long. A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas).

CODE OF CONDUCT

5300.45 ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

CODE OF CONDUCT

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities

from their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others.. The Board expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative justice practices will be the considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

A. Definitions

For purposes of this portion of the Code of Conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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 school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

4. *Illegal drug* means a controlled substance but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable them to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocketknife with a blade of less than two and one-half (2½) inches in length.

B. Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, the district (BOCES) Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be suspended for the same behavior.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten (10) consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to forty-five (45) school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five (5) consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five (5) school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer will be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

D. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is

appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

E. Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

F. Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to forty-five (45) school days at a time if they determine that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

G. Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which they were removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

H. Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to ten (10) school days that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of ten (10) school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention

services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

I. Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student will remain in the educational placement determined by the district which can include suspension.

J. Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

K. Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

CODE OF CONDUCT

5300.55 CORPORAL PUNISHMENT

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

Corporal punishment does not include the use of physical restraint to protect the student, another student, teacher or any other person from physical injury, when alternative procedures and methods not involving the use of physical restraint cannot reasonably be employed to achieve these purposes.

Physical restraint will not be used to prevent property damage, except in situations where there is imminent danger of serious physical harm to the student or others, and the student has not responded to positive, proactive intervention strategies.

The authorized use of timeout and physical restraint is addressed in policy 4321.12 and regulation 4321.12-R.

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

CODE OF CONDUCT

5300.60 STUDENT SEARCHES AND INTERROGATIONS

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

In addition, the Board authorizes the Superintendent of Schools, Building Principals, SRO, Assistant Principal, Deans, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book

bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

Before searching a student or the student's belongings, the authorized school official will ask the student whether they possess physical evidence that they violated the law or the district code, or ask the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Administrators will ensure the presence of another school-based adult when a search is conducted. Searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

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

B. Strip Searches

Under this Code of Conduct, school personnel are not allowed to conduct a strip search (defined as a search that requires a student to remove any or all of their clothing, other than footwear or an outer garment such as a coat, jacket, or sweater).

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and

administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

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

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

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

E. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is sixteen (16) years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

F. Child Protective Services Investigations

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

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

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

CODE OF CONDUCT

5300.65 VISITORS TO THE SCHOOLS

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or their designee is responsible for all

persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the office of the Principal (or designee) upon arrival at the school. There they will present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings are not required to sign in.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal.
5. Teachers are expected to teach and will not be able to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to meet the expectations for public conduct on school property contained in this Code of Conduct.
8. Students may not have visitors from other schools or from out of town.
9. All alumni must abide by the above rules and must schedule a visit to specific school personnel.

CODE OF CONDUCT

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. Intentionally damage or destroy school district property (including graffiti or arson) or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender (including gender identity and expression), sexual orientation, gender expression, body type or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic

versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.

11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Consequences

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with due process requirements.
3. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions three (3) and four (4): They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

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

When the Principal or his or her designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination, misconduct or

otherwise not allowed behaviors, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

CODE OF CONDUCT

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year.
2. Providing a plain language summary of the Code of Conduct to all parents at the beginning of the school year, and thereafter on request
3. Posting the complete Code of Conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the complete Code of Conduct available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct and other trainings to contribute to its success as needed. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, as well as parent/teacher associations regarding in-service

programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

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

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

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than thirty (30) days after adoption.

The Student and Parent/Guardian's Plain Language Guide to the Nyack School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention

Nyack's Code of Conduct is "developmentally appropriate."

It is organized first by grade level clusters (K-5 and 6-12), then by level of disciplinary offense, with Level One (1) offenses being the least serious, and Level Five (5) offenses being the most serious. Each grade level cluster and disciplinary offense level lays out its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or Pupil Personnel Services (PPS) interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive.

The below charts are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or PPS interventions. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the below charts. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the below charts. The District also reserves the right to modify disciplinary responses and/or PPS interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e. a student may engage in behavior that severely hurts another at the beginning of the year and receive a five (5) day out-of-school suspension because of the seriousness of the offense; the same student, five (5) months later, may engage in "roughhousing" and receive a one (1) day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic.

No offense in the Nyack Public Schools' Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic five (5) day out-of-school suspension to a student who has engaged in a fight, or that automatically assigns a three (3) day suspension to a student who has engaged in verbal abuse towards another student); rather, district administrators, having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question *to the degree* that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences (See page twenty-three (23), "Minimum Periods of Suspension.") The Superintendent and her designees however have the power to modify these.

Disciplinary consequences that are also listed in the New York State Penal Code however have automatic ranges of consequences.

Levels Four (4) and Five (5) contain offenses that are also listed in the New York State Penal Code. Therefore the “Possible Disciplinary Responses” columns in Levels Four (4) and Five (5) are divided into two (2) levels of disciplinary responses: FIRST TIER and SECOND TIER. Students found guilty of offenses that are also listed in the NYS Penal Code (marked with the symbol “Δ”) will likely be recommended to receive consequences in both the “FIRST TIER” and “SECOND TIER” sections of the “Possible Disciplinary Responses” column. Students found guilty of offenses that are not listed in the NYS Penal Code (not marked with the symbol “Δ”) may receive only “FIRST TIER” consequences, or may receive consequences in both the “FIRST TIER” and “SECOND TIER” sections of the “Possible Disciplinary Responses” column.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school.

Any infraction against the Code that occurs off the premises of the Nyack Public Schools that endangers the safety, morals, health or welfare of students or staff members within the school and/or adversely affects the educative process may result in disciplinary consequences being assigned to a student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

Any disciplinary offense resulting in the consequence of In-school Suspension or Out-of-school Suspension will also carry the consequence of suspension from any and all extracurricular activities on each day of the suspension. In addition, on each day(s) of an out-of-school suspension, the student will not be permitted to on the grounds of the Nyack Public Schools.

KINDERGARTEN-GRADE FIVE (5) – LEVEL ONE (1)

<u>Infractions – Behaviors that are insubordinate or disorderly</u>	<u>Possible Disciplinary Responses</u>	<u>Restorative Practices</u>
Failing to be in one's assigned place on school premises	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Verbal Reprimand • Confiscation of electronic device until the end of the school Day	• Parent contact • Restorative opportunities such as peer mediation, mentoring and/or conflict resolution • Individual/group counseling • Individual student contract
Behavior that disrupts the educational process (excessive noise anywhere in the building)		

Verbally rude or disrespectful behavior	• Loss of some/all recess time • Removal from classroom by teacher	• Short-term behavioral progress report
Wearing any clothing or other items disruptive to the educational process		

KINDERGARTEN-GRADE FIVE (5) – LEVEL TWO (2)

<u>Infractions – Behaviors that are disorderly or disruptive</u>	<u>Possible Disciplinary Responses</u>	
Using profane, obscene vulgar, lewd or abusive language or gestures	• Warning by school personnel	• Parent contact • Restorative opportunities such as peer mediation, mentoring and/or conflict resolution • Reflective activity
Misusing school property or property belonging to others		
Engaging in or causing disruptive behavior on the school bus	• Student/teacher or student/teacher/parent conference • Verbal Reprimand • Suspension or exclusion from extracurricular activities • Loss of bus riding privileges as per the district's policy • Loss of computer privileges • Loss of some/all recess time • Confiscation of electronic device until the end of school day	• Intervention by PPS staff • Individual student contract • Short-term behavioral progress report
Leaving class or the school building or premises without permission		
Failure to be in one's assigned place during a school sponsored event off campus		

Violating the district's Telecommunications Regulation		
Engaging in cheating, plagiarizing or colluding*		
Possession or use of lighter or matches		
Engaging in a persistent pattern of Level One (1) behavior		

***A. Cheating** (e.g., copying from another's test paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test; knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one's self to take a test; submitting another student's work as one's own; copying or stealing another student's work; permitting another student to copy one's work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.]

B. Plagiarizing (appropriating another's work, including electronic works, and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person's creative work or ideas as one's own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student's oral or written work.) (Grades Four-Five (4-5) only)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

KINDERGARTEN-GRADE FIVE (5) – LEVEL THREE (3)

<u>Infractions – Seriously Disruptive Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Restorative Practices</u>
Insubordination: defying or disobeying the lawful authority of school personnel Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender expression, sexual orientation, disability or body type Verbal abuse Use of lighter or matches Shoving, pushing or engaging in other similar physical behavior Throwing objects (e.g. food or snowballs) which leads to harm of other individuals Bringing unauthorized visitors to school Engaging in unwanted physical contact Engaging in seriously disruptive behavior on the school bus Vandalism, graffiti, or other intentional damage to school property or grounds 	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Verbal Reprimand • Confiscation of electronic device until the end of the school day • Loss of some/all recess time • Removal from classroom by teacher • Suspension or exclusion from extracurricular activities • Loss of bus riding privileges as per the district's policy • Suspension of computer privileges • Payment to restore damages for graffiti or other vandalism to property • In-school suspension (ISS) • Superintendent's hearing and extension of Out-of-School suspension	• Parent contact • Restorative opportunities such as peer mediation, mentoring and/or conflict resolution • Reflective activity • Intervention by staff • Individual/group counseling • Individual student contract • Short-term behavioral progress report • PPS Conference • Intervention by PPS staff • Referral to a community-based organization or outside counseling

Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress		
Posting personal student videos or school videos that invade the privacy of others		
Engaging in a persistent pattern of Level Two (2) behavior		
Leaving school building or premises without permission		

KINDERGARTEN-GRADE FIVE (5) – LEVEL FOUR (4)

<u>Infractions – Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	
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Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	<u>FIRST TIER</u> 1. Principal/parent conference 2. Suspension or exclusion from extracurricular activities 3. Reimbursement for stolen items 5. Removal from classroom by teacher 6. Suspension of bus riding privileges as per the district's Transportation Code of Conduct 7. In-School Suspension (ISS)	• Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to a community-based organization
Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender expression, sexual orientation, disability or body type, with the intent to harm individuals or groups		
Endangering the health, safety and/or welfare of (and) other(s).		
Violations of suspension		

Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in injury	<u>SECOND TIER</u> 7. Out-of-school suspension (OSS) 8. Superintendent's hearing 9. Superintendent's hearing and referral to an alternate educational placement 10. Superintendent's hearing and extension of out-of-school suspension	
Coercion, extortion, or threatening violence, injury or harm to another or others		
Engaging in behavior on a school bus or at a bus stop that creates a substantial risk of or results in injury		
Any form of harassment, intimidation, bullying or cyberbullying		
Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal		
Verbal assault		
Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature, Violation of the Sexual Harassment Policy (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		

Possessing alcohol, illegal drugs or drug paraphernalia, or controlled substances without appropriate authorization (with regard to controlled substances without appropriate authorization) ΔΔ (if the substance is illegal)		
Stealing (not forcible)		
Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		
Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause injury		
Possession, sale or use of any form of fireworks ΔΔ		
Arson ΔΔ		
Causing a riot ΔΔ		
Possessing any weapon ΔΔ		
Using controlled substances without authorization, alcohol or illegal drugs ΔΔ		
Engaging in a persistent pattern of Level Three (3) behavior		

KINDERGARTEN-GRADE FIVE (5) – LEVEL FIVE (5)

<u>Infractions – Seriously Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Restorative Practice</u>
Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	<u>FIRST TIER</u> 1. Principal/parent conference 2. Suspension or exclusion from extracurricular activities 3. Removal from classroom by teacher 5. Suspension of bus riding privileges as per the district's Transportation Code of Conduct <u>SECOND TIER</u> 6. Out-of-school suspension (OSS) 7. Superintendent's hearing 8. Superintendent's hearing and referral to an alternate educational placement 9. Superintendent's hearing and extension of out-of-school suspension 10. Possible police involvement	• Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to RTI • Referral to a community-based organization/counseling • Community service (with the consent of student's parent/guardian) • Referral to appropriate substance abuse counseling services
Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
Kidnapping (also includes the forced confinement of another person against his/her will in a place on the grounds of the Nyack Public Schools) ΔΔ		
Participating in an incident of extreme group disruption or group violence		
Engaging in physical sexual aggression: compelling or forcing another to engage in sexual activity ΔΔ		
Selling or distributing alcohol, illegal drugs or controlled substances ΔΔ		
Using any weapon or dangerous instrument (see Page fourteen (14)), other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ		

Causing injury or serious injury by using any weapon or dangerous instrument (see Page fourteen (14)), other than a firearm, against school personnel, students or others ΔΔ		
Possessing or using a firearm ΔΔ		
Causing injury or serious injury by using a firearm against school personnel, students or others ΔΔ		
Homicide (murder) ΔΔ		

GRADES SIX (6) – TWELVE (12) – LEVEL ONE (1)

<u>Infractions – Insubordinate Behaviors</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Unexcused absences or lateness's to school or to class, cutting classes (including BOCES), or leaving school early without permission (NOTE: Out-of-school suspension may not be given for this offense,)	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities* (See full text below.) • Having to eat lunch in a location other than the cafeteria	• Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to I • Referral to a community-based organization
Misusing school passes		
Lending a senior ID to an Eleventh (11 th), Tenth (10 th) or Ninth (9 th) grader; lending a junior ID to a Tenth (10 th) or Ninth (9 th) grader		

Cutting teacher or administrative detention	• Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Confiscation of electronic device until the end of the school day and returning the device only after a parent meeting is held • Suspension of parking or driving privileges • Revocation of parking or driving privileges • Towing of car at owner's expense • Suspension of open campus Privileges • Revocation of open campus privileges • Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS)	• Initiation of a PINS Petition
Violating parking privileges (including parking in another student's space or parking in an unauthorized location) (Eleventh (11 th) and Twelfth (12 th) graders)		
Being driven off campus by a Twelfth (12 th) grader (Ninth (9 th), Tenth (10 th) and Eleventh (11 th) graders)		
Using any disallowed electronic devices during the school day		
Failing to be in one's assigned place while on school premises		
Failure to follow school procedures		
Unauthorized use of school elevator		
Behavior that disrupts the educational process (excessive noise anywhere in the building or loitering at lockers in classroom corridors after the late bell)		
Verbally rude or disrespectful behavior		
Wearing any headgear		

Possession or use of lighters or matches		
Wearing any clothing or other items disruptive to the educational process		
Using school computers, faxes, telephones or other electronic devices without appropriate permission		

***Suspension** means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text:

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.
2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools in the form of check paid directly to parent/guardian via mail.
3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES SIX (6) – TWELVE (12) – LEVEL TWO (2)

<u>Infractions – Behaviors that are disorderly or disruptive</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Smoking, vaping, drug use etc. Gambling Blocking the flow of spectator traffic at athletic events (home or away) thereby causing a potentially dangerous situation (i.e. “cheering” within the walkway or on the retainer wall within the spectator stands at MacCalman Field, or sitting or standing on the steps or in the aisles of the bleachers in the gymnasium when requested to sit down within the stands). Unauthorized vehicle on school property	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities* (See full text below.)	• Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization
Running in the halls or intentionally “bumping” others in the halls during passing time Using profane, obscene, vulgar, lewd or abusive language or gestures Lying to, giving false information to, or misleading school personnel Misusing school property or property belonging to others Engaging in or causing disruptive behavior on the school bus	• Having to eat lunch in a location other than the cafeteria • Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Suspension of bus riding privileges as per the district’s Transportation Code of Conduct • Suspension of parking or driving privileges • Revocation of parking or driving privileges • Suspension of open campus privileges • Revocation of open campus privileges	• Substance abuse counseling • Initiation of a PINS Petition

Engaging in a persistent pattern of Level One (1) behavior	• Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS)	
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***Suspension** means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text:

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will ~~not~~ be reimbursed by the Nyack Public Schools in the form of check paid directly to parent/guardian via mail.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES SIX (6) – TWELVE (12) – LEVEL THREE (3)

<u>Infractions – Seriously Disruptive Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Insubordination: defying or disobeying the lawful authority of school personnel Persistent forgetfulness or refusal to wear one's student ID tag.	• Warning by school personnel • Student/teacher or student/teacher/parent conference	• Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling

Entering or attempting to enter another school building without authorization Failure to be in one's assigned place during a school sponsored event off the NHS campus Being on another school campus during NHS or the other school's operating hours without proper authorization from both schools Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender expression, sexual orientation disability or body type Verbal abuse Shoving, pushing or engaging in other similar physical behavior (e.g. rough-housing) Throwing objects (e.g. chalk, food or snowballs)	• Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities⁺ (See full text below) • Having to eat lunch in a location other than the cafeteria • Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Suspension of bus riding privileges as per the district's Transportation Code of Conduct • Suspension of computer use privileges • Payment to restore damages for graffiti or other vandalism to property • Suspension of parking or driving privileges	• Peer Mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling • Initiation of a PINS Petition
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Bringing unauthorized visitors to school or allowing unauthorized visitors to enter the school building	• Revocation of parking or driving privileges - Suspension of open campus privileges • Revocation of open campus privileges • Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS) • Superintendent's hearing • Superintendent's hearing and referral to an alternate educational placement • Superintendent's hearing and extension of out-of-school suspension • Police involvement	
Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means		
Forgery		
Vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others		
Knowingly possessing property belonging to another without his/her authorization		
Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress.		
Posting personal student videos or school videos that invade the privacy of others on (or any other such Internet site) to be seen by other students or school community members while they are on their computers		
Engaging in academic dishonesty, including by use of electronic communication devices*		

Violating the district's "Telecommunications Regulation" (e.g. use of the district's system for noneducational purposes or security or privacy violations)		
Engaging in or causing serious disruptive behavior on the school bus		
Engaging in a persistent pattern of Level Two (2) behavior		

A. Cheating** (e.g., copying from another's test** paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test; knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one's self to take a test; submitting another student's work as one's own; copying or stealing another student's work; permitting another student to copy one's work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.])

B. Plagiarizing (appropriating another's work, including electronic works, and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person's creative work or ideas as one's own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student's oral or written work.)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

**** A test** is any examination ranging from a quiz to a final, local, a NYSTP ELA, Math, Science or Social Studies Exam, any Regents, RCT, ACT or SAT.
*****Work** is a homework assignment, a paper, a project, a report, take-home test, or any other work that the teacher intended the student to complete independently.

PENALTIES FOR ACADEMIC DISHONESTY:

Any act deemed in violation of the rules listed above will result in a zero (0) for the work involved. The teacher will report the incident to the Principal who will contact the parents and oversee the enforcement of disciplinary actions.

When a student is deemed guilty of repeated academic dishonesty, failure for the entire course will result regardless of other grades earned in the course. Repeated dishonesty assumes that the student was notified of earlier violations.

Situation one: Two offenses will lead to course failure when at least one offense involves a major research project, a final project, a midterm or final exam.

Situation two: Course failure will result when two major assignments or tests are involved (take-home tests, full-length essays, chapter or book tests, etc.)

Situation three: Three offenses involving any type of test or assignment will also result in failure for the course. The student will also be subject to additional penalties when appropriate.

+ *Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text:

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools in the form of check paid directly to parent/guardian vial mail.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES SIX (6) – TWELVE (12) – LEVEL FOUR (4)

<u>Infractions – Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	<u>FIRST TIER</u> 1. Conference with parent and dean or assistant principal or principal 2. Reprimand by Principal 3. Pass restrictions 4. Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities ⁺ (See full text below.) 5. Reimbursement to the district's food service for food stolen from the cafeteria 6. Having to eat lunch in a location other than the cafeteria 7. Detention 8. Removal from classroom by teacher 9. Suspension of bus riding privileges as per the district's Transportation Code of Conduct 10. Suspension of computer privileges 11. Suspension of parking or driving privileges 12. Revocation of parking or driving privileges 13. Suspension of open campus privileges 14. Revocation of open campus privileges 15. Alternative Instructional Placement (AIP)	• Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling • Initiation of a PINS Petition
Endangering the health, safety and/or welfare of (an)other(s).		
Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		
Engaging in sexual conduct on school premises or at school related functions whether on or off campus ΔΔ		
Violations of suspension or misbehavior in AIP**		
Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in minor injury		
Coercion, extortion, or threatening violence, injury or harm to another or others		

Engaging in behavior on a school bus or at a bus stop that creates a substantial risk of or results in injury		
Any form of harassment, intimidation, bullying or cyberbullying		
Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal	<u>SECOND (2nd) TIER</u> 16. Out-of-school suspension (OSS) 17. Superintendent's hearing 18. Superintendent's hearing and referral to an alternate educational placement 19. Superintendent's hearing and extension of out-of-school suspension 20. Police involvement 21. Referral to the County Attorney for a juvenile delinquency proceeding before the Family Court	
Verbal assault		
Possessing alcohol, illegal drugs or drug paraphernalia, or controlled substances (with regard to controlled substances-without appropriate authorization) ΔΔ (if the substance is illegal)		
Stealing (not forcible) (including food from the cafeteria)		
Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		
Endangering the health, safety and welfare of others through gang-related offenses***		

Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause harm by and in themselves (e.g. umbrellas, matches, lighters, forks, pencils, Bunsen burners, etc.)		
Reckless driving or driving underclassmen off campus		
Possession, sale or use of any form of fireworks ΔΔ		
Arson ΔΔ		
Causing a riot ΔΔ		
Possessing any weapon ΔΔ		
Using controlled substances without authorization, alcohol, or illegal drugs* ΔΔ		
Engaging in a persistent pattern of Level Three (3) behavior		

***Students found guilty of this infraction for the first time will be given an out-of-school suspension, a Superintendent's Hearing (with the possibility of an extension of the Principal's suspension depending on the seriousness of the incident), and will not be permitted to attend the Senior Prom. Students will be able to earn back the opportunity to attend the Prom if they meet with the School Community Counselor and upon his/her recommendation, attend further substance abuse counseling and/or perform community service. Should students repeat this infraction however, they will lose the privilege of attending the Senior Prom for that particular school year.**

**** Includes, but is not limited to, the following violations of suspension: any misbehavior in the AIP room, returning to the building or to the campus, or going to school-sponsored event while under suspension, or committing any infraction in the community related to the issue(s) at school that initiated the suspension.**

***** The term "gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its**

primary activities the commission of one or more criminal acts, which has an identifiable name or an identifying sign or symbol, and whose members individually or collectively engaged or have engaged in a pattern of gang activity.

The term “gang member” means any individual who is part of, associated with, or otherwise affiliated with a gang as defined above. “Gang activity” means the commission by a gang member, in a singular commission, attempt to commit, conspiring to commit, or soliciting others to commit a criminal act on NYS property in the presence of two or more other gang members.

School administrators who have reasonable suspicion that a student 1. is associated or affiliated with a gang, 2. intentionally causes, encourages, or solicits another person to join a gang, 3. provides any material form of support to a gang or its causes, 4. provides any conspicuous moral support for a gang or its cause through egregious gang-like language, dress, or the carrying of gang paraphernalia may charge the student in question with endangering the health, safety and welfare of others, in light of the definition stated above.

+ *Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student’s time as a student in the Nyack Public Schools.

Full text:

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co curricular or extracurricular activities will ~~not~~ be reimbursed by the Nyack Public Schools in the form of check paid directly to parent/guardian via mail.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES SIX (6) – TWELVE (12) – LEVEL FIVE (5)

<u>Infractions – Seriously Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	<u>FIRST TIER</u> 1. Conference with parent and dean or assistant principal or principal 2. Reprimand by Principal 3. Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities** (See full text below.) 4. Having to eat lunch in a location other than the cafeteria 5. Detention 6. Removal from classroom by teacher 7. Loss of bus riding privileges as per the district's Transportation Code of Conduct 8. Loss of computer privileges	• Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a Community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling • Initiation of a PINS Petition
Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
Kidnapping (also includes the forced confinement of another person against his/her will in a place on the grounds of the Nyack Public Schools) ΔΔ		
Participating in an incident of extreme group disruption or group violence		
Engaging in physical sexual aggression: compelling or forcing another to engage in sexual activity ΔΔ		
Selling or distributing alcohol, illegal drugs or controlled substances* ΔΔ	9. Suspension of parking or driving privileges 10. Revocation of parking or driving privileges 11. Suspension of open campus privileges 12. Revocation of open campus privileges 13. Alternative Instructional Placement (AIP)	
Using any weapon or dangerous instrument (see Page fourteen (14)), other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ		

Causing injury or serious injury by using any weapon or dangerous instrument (see Page fourteen (14)), other than a firearm, against school personnel, students or others ΔΔ	<u>SECOND (2nd) TIER</u> 14. Out-of-school suspension (OSS) 15. Superintendent's hearing 16. Superintendent's hearing and referral to an alternate educational placement 17. Superintendent's hearing and extension of out-of-school suspension 18. Superintendent's hearing and extension of out-of-school suspension including up to one year (use of firearm) 19. Police involvement 20. Referral to the County Attorney for a juvenile delinquency proceeding before the Family Court	
Possessing or using a firearm ΔΔ		
Homicide (murder) ΔΔ		

*Students found guilty of this infraction for the first time will be given an out-of-school suspension, a Superintendent's Hearing (with the possibility of an extension of the Principal's suspension depending on the seriousness of the incident), and will not be permitted to attend the Senior Prom. Students will be able to earn back the opportunity to attend the Prom if they meet with the School Community Counselor and upon his/her recommendation, attend further substance abuse counseling and/or perform community service. Should students repeat this infraction however, they will lose the privilege of attending the Senior Prom for that particular school year.

****Suspension** means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text:

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either

as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co curricular or extracurricular activities will ~~not~~ be reimbursed by the Nyack Public Schools in the form of check paid directly to parent/guardian via mail.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

Nyack Public Schools Transportation Code of Conduct

The school bus is an extension of the classroom. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely. Student cooperation is mandatory for the safety of our children. Excessive noise, pushing, shoving and fighting will not be tolerated. In order to ensure discipline, health, welfare and safety, video cameras may be used to monitor student behavior on vehicles transporting students to and from school or extracurricular activities. In addition to the guidelines set forth in the Code of Conduct and The Student and Parent/Guardian's Plain Language Guide to the Nyack School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention, students riding on school buses must abide by the following rules:

- Ø Never engage in conduct that creates an unsafe environment for yourself or other students or impairs the driver's ability to drive safely.
- Ø Bus passes must be carried whenever riding the bus.
- Ø Never run to catch the bus if you are late.
- Ø Follow the bus driver's instructions & always obey all safety rules. At no time will a student act toward, or address comments to a bus driver in a disrespectful manner, or refuse to cooperate with the driver.
- Ø Cross at least 10 feet in front of the bus – wait for the driver to signal okay.
- Ø Never cross behind the bus
- Ø While waiting for the bus, stay in a spot that is safely away from the road.
- Ø Do not run or play while waiting for the bus.
- Ø Stay in line and do not push when getting on or off the bus.
- Ø Always remain seated while on the bus. Do not change seats.
- Ø Bus driver is authorized to assign seats.
- Ø No eating or drinking on the bus.
- Ø No drugs or alcohol on the bus.
- Ø No smoking on the bus. No lighting matches.
- Ø Keep head, arms, etc. inside the bus at all times.
- Ø Keep books, feet and other objects out of the aisles of the bus.
- Ø During the bus ride student should face forward and keep their feet on the floor in front of them.
- Ø Talk in a quiet voice; loud noises create an unsafe condition.
- Ø No horse playing, fighting, or use of obscene, vulgar or profane language either on the bus or at the bus stop.
- Ø Do not be destructive to the bus. Do not mark, cut or scratch any part of the bus.
- Ø Emergency door and exits are to be used only during supervised drills or actual emergencies.

- Ø Never attempt to operate the passenger door or other driver controls except in case of an emergency.
- Ø After getting off the bus walk at least 15 feet away from the bus or wait for the driver's signal before crossing in front of the bus. If you drop something near the bus never pick it up while the bus is there.

Students who engage in inappropriate conduct on the school bus will be subject to disciplinary action for their behavior, including, but not limited to: conference with Principal, conference with Principal and parent(s), suspension from the bus and/or additional suspension from school.

The levels listed below are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or PPS interventions. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the below charts. The District also reserves the right to modify disciplinary responses and/or PPS interventions based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances.

Level One (1) – Unacceptable behavior includes, but is not limited to:

Intentionally taking an unassigned bus without permission, failing to properly take seat upon boarding bus; unauthorized use of bus pass; occupying an unreasonable amount of seating space; failing to remain properly seated while bus is in motion; littering or soiling the bus; shouting or other loud or boisterous behavior; refusing to follow driver's instructions; engaging in horse-playing, rough-housing or wrestling; crossing roadway improperly after leaving bus; annoying other children; behaving in an unsafe or unruly manner at bus stop; using improper bus or bus stop; engaging in profanity or obscene talk; eating on bus; and talking back to driver or otherwise showing lack of respect.

Level One (1) - Discipline Practice:

First Bus Referral: Principal conference with student who may be reminded by principal of expected bus behavior and next referral would result in suspension of riding privilege. Copy of referral and principal's comments sent to parents.

Second Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for one to three (1-3) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.

Third Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for two to four (2-4) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.

Fourth Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for five (5) days. In the event a bus suspension is deemed appropriate, a bus suspension letter and a copy of referral will be given or sent to the parents by the principal. Fifth Bus Referrals: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

Level Two (2) - Behavior that warrants suspension from bus includes, but is not limited to: Fighting; throwing objects inside or outside the bus; putting arms, head or object out of bus window; lighting matches on the bus; damaging the seats, glass or other parts of the bus; and throwing snowballs or other missiles at the bus.

Level Two (2) – Suspension Practice:

First (1st) Bus Referral: Possible bus suspension for five (5) or more days.

Second (2nd) Bus Referral: Possible bus suspension for ten (10) or more days.

Third (3rd) Bus Referral: Possible bus suspension for fifteen (15) or more days.

Fourth (4th) Bus Referral: Student may be suspended from the bus for one (1) full quarter or it's equivalent number of days.

Level Three (3) - Behavior that warrants suspension from bus includes, but is not limited to: Fighting or wrestling; smoking or use of drugs or alcohol while on the bus; using obscene language and exiting bus through backdoor, roof hatch, window or any other manner that compromises the safety of the student(s) without permission.

Level Three (3) – Suspension Practice:

First (1st) Bus Referral: Possible bus suspension of twenty (20) or more days.

Second (2nd) Bus Referral: Possible bus suspension of thirty (30) or more days.

Third (3rd) Bus Referral: Possible bus suspension of forty (40) or more days.

Fourth (4th) Bus Referral: Student may be suspended from the bus for one (1) full quarter or it's equivalent number of days.