Sherman Central School District

CODE OF CONDUCT



2026-2027

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I. INTRODUCTION

The Sherman Central School District and Board of Education are committed to maintaining a safe, respectful and orderly school environment where students receive a quality education free from disruption or interference. Responsible behavior by students, staff, parents, and visitors is essential to achieving this goal.

The District has established expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The District and the Board recognize the need to clearly define expectations for acceptable school conduct, to identify possible consequences of unacceptable behavior, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind that the goal is to correct misbehavior by teaching students that there are consequences to actions and choices.

To this end, the District and Board have adopted this Code of Conduct. The Code of Conduct applies to all students, staff, parents, and visitors when on school property, in attendance at a school function, or while riding school transportation.

The Code of Conduct will be made available for review on the District website and in the main office of each school and central administration building. Additionally, the District will provide a written summary of the Code of Conduct, written in plain language and to be distributed to all students in an age-appropriate version, to ensure that students understand the expected standards of respect and appropriate behavior.

II. STUDENTS RIGHTS AND RESPONSIBILITIES

A. All Sherman Central School students have the right to:

1. Learn in an environment free from harassment, bullying, or discrimination based on actual or perceived race, color, weight national origin, ethnic group, religion, disability, sexual orientation, or gender;
2. Access equal and appropriate educational opportunities;
3. Participate in all school activities for which he/she is eligible;
4. Be treated respectfully by those within the school community;
5. Expect that the school will be a safe and orderly place in which to receive an education;
6. Have their complaints about school-related incidents investigated and responded to in a timely manner;
7. Be afforded due process in the event of disciplinary action.

B. All Sherman Central School students have the responsibility to:

1. Conduct themselves in a manner that fosters an environment free from harassment, bullying, or discrimination;
2. Contribute to maintaining a safe and orderly school environment that is conducive to learning;
3. Contribute toward establishing and maintaining an atmosphere of mutual respect and dignity;
4. Attend school regularly, punctually, and prepared to learn;
5. Work to the best of their abilities and strive toward their highest level of personal achievement;
6. Dress in a manner consistent with the student dress code.
7. Conduct themselves as representatives of the Sherman Central School District when participating in or attending school-sponsored activities and hold themselves to the highest standards of conduct and sportsmanship.
8. Be aware of and obey school rules and regulations;
9. Respond to requests of teachers, administrators, and other district personnel in a respectful manner;
10. Accept responsibility for their actions.

III. ROLES OF ESSENTIAL PARTNERS

All members of the Sherman Central School District learning community - including parents, teachers, administrators, other school personnel, and the Board of Education - have a shared responsibility to provide a safe and orderly learning environment and a positive school climate that promotes academic and behavioral success.

A. PARENTS & CAREGIVERS

All parents and caregivers have the responsibility to:

1. Recognize that the education of their child is a joint partnership between home and school, and collaborate with school staff to optimize the student's educational opportunities;
2. Ensure that their child attends school regularly, on time, and prepared to learn;
3. Ensure that their child is dressed in a manner consistent with the student dress code.
4. Help their child to understand that appropriate rules are required to maintain a safe, orderly, and respectful environment.
5. Teach their child respect for the law, for the authority of school staff, and for the rights and property of others;
6. Know, understand, and support school rules, be aware of the consequences for any violations of these rules, and help their children to understand that their actions may have consequences;
7. Conduct themselves with respect and civility in all dealings with faculty, administrators, staff, other parents and guardians;
8. Provide a regular place and time for study to ensure homework assignments are completed and understood by the student;
9. Demonstrate a supportive attitude toward school and education by becoming familiar with the school, its staff, curriculum, and activities through home-school communication and attendance at school events.

B. TEACHERS & STAFF

All teachers and other school personnel have the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
2. Model appropriate behaviors by always treating students, parents, and colleagues with kindness, courtesy and respect.
3. Demonstrate enthusiasm for teaching and concern for each student's individual success in both academic and social emotional learning.
4. Clearly communicate expectations for learning and behavior to students and parents.
5. Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
6. Be knowledgeable about District policies, expectations, and regulations, and enforce them fairly and consistently.
7. Address instances of student misbehavior through classroom management, individual conferences with students and caregivers, and appropriate behavioral interventions intended to correct the student's behavior.
8. Promptly address issues of harassment, bullying, or discrimination in 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.

9. Report, in a timely manner, incidents of harassment, bullying, or discrimination that are witnessed or otherwise brought to a school employee's attention to the building administrator and/or Dignity Act Coordinator.

C. ADMINISTRATORS

All school and district administrators have the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
2. Model appropriate behaviors by always treating students, parents, staff and colleagues with kindness, courtesy and respect.
3. Promote a safe, orderly and respectful school environment that supports each student's individual success in both academic and social emotional learning.
4. Ensure that all students are afforded equal and appropriate educational opportunities, including participation in extracurricular activities;
5. Disseminate and enforce the Code of Conduct, ensuring that all cases are resolved promptly and fairly.
6. Support teachers and staff to understand and fulfill their responsibilities as defined by the Code of Conduct.
7. Address instances of student misbehavior, and confer with students, caregivers, and staff to assign fair and appropriate consequences intended to correct the student's behavior.
8. Promptly address issues of harassment, bullying, or discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Monitor and analyze data on student behavior and discipline, including but not limited to, data on the use of suspension by student demographic characteristics.

D. SUPERINTENDENT

The Superintendent of Schools has the responsibility to:

1. Sustain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
2. Promote a safe, orderly and respectful school environment that supports each student's individual success in both academic and social emotional learning.
3. Establish and sustain nurturing instructional programs that minimize misconduct and are responsive to individual differences.
4. Ensure that school and district administrators adhere to the policies of the Board of Education and state and federal laws relating to school operations and management.
5. Work with district administrators to enforce the Code of Conduct and to ensure that all cases are resolved promptly and fairly.
6. Inform the board about educational trends relating to student discipline.

E. BOARD OF EDUCATION

The Board of Education has the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
2. Review and adopt policies that promote a safe and orderly learning environment for all students and staff, and visitors.
3. Support and sustain nurturing instructional programs that minimize misconduct and are responsive to individual differences.
4. Annually review the Code of Conduct to evaluate the fairness, consistency, and effectiveness of its implementation.
5. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

IV. DIGNITY FOR ALL STUDENTS ACT (DASA)

The New York State Dignity for All Students Act (DASA) requires that no student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The Dignity Act focuses on the prevention of discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate.

School staff, students, parents and community members have a shared responsibility to maintain a climate of mutual respect and dignity where all students can expect a safe and supportive learning environment. Any person who is aware that a student has been the target of harassment, bullying (including cyberbullying) or discrimination, must report any alleged incidents to the building principal or DASA coordinator.

A. DIGNITY ACT COORDINATOR

The high school counselor serves as the Dignity Act Coordinator. The DASA Coordinator is responsible to coordinate and enforce the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- professional development for staff members;
- promoting awareness of the complaint process; and
- timely review and response to all allegations of harassment, bullying, and discrimination.

B. REPORTING & INVESTIGATION OF COMPLAINTS

1. School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.
2. The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.
3. When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

4. The principal, superintendent, or their designee shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
5. Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

C. DISCIPLINARY & REMEDIAL CONSEQUENCES

Students who are found to have violated the Dignity Act will be given a clear message that their actions are inappropriate, will not be tolerated, and are inconsistent with the concepts of tolerance, respect for others, and the fostering of civility in public schools.

If appropriate, disciplinary action shall be taken by the administration in accordance with this Code of Conduct. The response to a student's violation of the policy shall include both consequences and appropriate remedial responses designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Consequences for students who commit such acts of harassment, bullying and/or discrimination shall be unique to each individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's previous disciplinary record, and any extenuating circumstances. The focus of discipline shall be on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. In addition, remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

V. STUDENT DRESS CODE

The District's dress code is established to prevent disruption, and minimize safety hazards. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school-related 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 shall meet the following expectations:

1. Student dress must be safe, respectful, and responsible as to not disrupt or interfere with the educational process.
2. Headwear is not permitted unless mandated by verifiable religious requirements or verifiable medical reasons.
3. Tops must cover the torso and bottoms must cover the legs above mid-thigh. Undergarments must be covered.

4. Footwear must be worn at all times and appropriate to the activity. Footwear that is a safety hazard will not be allowed.
5. Clothing is not to include items that advocate violence, sex, profanity, drugs, alcohol, or tobacco, or that encourage illegal or violent activities.
6. Blankets are prohibited.

Note:

Students who violate the student dress code may be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so may be subject to a consequence. Any student who repeatedly fails to comply with the dress code may be subject to further consequence.

VI. PROHIBITED STUDENT CONDUCT

The Sherman Central School District expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community and for the care of school facilities and equipment.

The District 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 violate these school rules may be subject to disciplinary action up to and including suspension from school, when they, either alone or with others:

A. Engage in conduct that is deemed to be disorderly.

This is any willful act of behavior that interferes with the normal operation of the school community. Examples may include but are not limited to:

1. Using language or gestures that are profane, lewd, vulgar or abusive
2. Running or otherwise unsafe behavior in classrooms, hallways or common areas
3. Obstructing vehicular or pedestrian traffic
4. Trespassing
5. Misusing technology devices, including unauthorized use of computers/tablets, software, or internet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy

B. Engage in conduct that is deemed to be insubordinate.

This is behavior that deliberately demonstrates refusal or noncompliance with directions and rules. Examples may include but are not limited to:

1. Demonstrating defiance or disrespect toward staff members
2. Failing to comply with reasonable requests of staff members
3. Chronic tardiness, truancy, or leaving school without permission
4. Skipping detention
5. Repeated violations of the student dress code or failure to comply with a reasonable request to modify dress when deemed inappropriate
6. Use of personal electronic devices, such as, but not limited to, cell phones, cameras, music or video players, in a manner that is in violation of school or district policy

C. Engage in conduct that is deemed to be disruptive.

This is sustained or high intensity behavior that prevents others from being able to learn, focus, or be engaged in their work. Examples may include but are not limited to:

1. Making unreasonable noise
2. Sustained out of seat behavior
3. Use of personal electronic devices to record, transmit, or post photos or videos that causes a disruption to the educational process

D. Engage in conduct that is deemed to be violent.

This is behavior that demonstrates the threat or intent to cause physical injury to another person or property. Examples may include but are not limited to:

1. Physical aggression such as hitting, punching, kicking, scratching, throwing an object, or hair pulling
2. Physical assault or fighting
3. Possessing, displaying, or threatening to use any weapon
4. Intentionally damaging or destroying school property or the personal property of another student or staff member

E. Engage in any conduct that is deemed to have endangered the safety, physical or mental health or welfare of others.

Examples may include but are not limited to:

1. 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
2. Discrimination against a person or identifiable group based on race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others
3. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm
4. Harassment or Bullying, as the creation of a hostile environment by conduct or threats, intimidation or abuse
5. 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
6. Indecent exposure of the private parts of the body in a lewd or indecent manner
7. Inappropriate sexual contact
8. Possessing, consuming, distributing or being under the influence of alcoholic beverages
9. Possessing, consuming, distributing or being under the influence of illegal substances
10. Possessing, consuming, distributing, smoking or using tobacco, cigarettes, nicotine products, electronic cigarette (i.e., vape)
11. Possessing, consuming, distributing, smoking, vaping or ingesting cannabis or concentrated cannabis, cannabis products, or cannabinoid hemp
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Stealing or attempting to steal school property or the property of other students, school personnel or any other person lawfully on school property or attending a school function.
14. Gambling
15. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process
16. Initiating a false report warning of fire, bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher

F. Engage in any form of academic misbehavior.

Examples may include but are not limited to:

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

G. Engage in any form of misbehavior otherwise prohibited by this section while on a school bus.

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are expected to remain seated, keep objects and body parts inside the bus, and obey the directions from the bus driver or monitor. Students are required to conduct themselves on the bus in a manner consistent with established standards in a manner consistent with this Code of Conduct.

Examples of unacceptable behavior on school transportation may include but are not limited to:

1. failure to comply with directions from the bus driver or monitor
2. excessive noise
3. pushing, shoving, or fighting
4. harassment, bullying, or discrimination

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 may include fighting, threatening, or harassing students or school personnel through any means off-campus, including cyberbullying.

VII. REPORTING VIOLATIONS

All students are expected to promptly report and describe violations of the code of conduct to a teacher, school counselor, the building principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report and describe this information immediately to a teacher, school counselor, the building principal, the principal's designee or the Superintendent of Schools. 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 consequences are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to their supervisor, who may in turn impose appropriate disciplinary consequences if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence.

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

The building principal or 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 practicable, but in no event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the 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 allegedly constituted a crime. The principal must also notify the Superintendent of Schools of the information provided to the law enforcement agency.

VIII. DISCIPLINARY MEASURES

Consequences are most effective when they 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 reflect on their choices and actions, correct the problem behavior, prevent another occurrence of the behavior, and grow in self-discipline.

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

- the student's age and developmental level;
- the nature and dangerousness of the offense and the circumstances that led to the offense;
- the motive and intent;
- as authorized by New York Education Law, the student's prior disciplinary record;
- the effectiveness of other forms of discipline;
- information from parents, teachers and/or others, as appropriate;
- the consideration of any mitigating or extenuating circumstances;
- restitution to any aggrieved person(s) or group(s);
- the consideration of victim's rights.

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 consequences most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct is extremely serious or criminal in nature, school officials have the discretion to impose a more serious consequence or referral to law enforcement. If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education and discipline, if warranted, will 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. Interventions and Consequences

When choosing interventions and consequences of student behavior, teachers, administrators, and staff must balance the district's dual goals of eliminating school disruptions and maximizing student instructional time. Rather than a reliance on increasing punitive measures, the Board encourages practices that allow educators to address disciplinary matters as opportunities for learning.

Students who are found to have demonstrated inappropriate behavior may be subject to the following interventions or consequences, either alone or in combination. Consequences will be assigned consistent with the student's right to due process.

1. Classroom management strategies such as reteaching or reinforcement of desired behavior, individualized instruction, etc.

2. Oral warning, conference with student, caregiver contact, or loss of classroom privileges
3. Written notification to parents/guardians
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social and/or extracurricular activities
8. Suspension of other privileges
9. Referral to counselor for individual/small group counseling
10. Removal from classroom by teacher
11. In-school suspension (five days or less)
12. Short-term out-of-school suspension (five days or less)
13. Long-term out-of-school suspension (more than five days)
14. Permanent suspension from school
15. Referral to agency or program to address misconduct
16. Other remedies authorized by law or official designated by applicable statute or regulation.

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 inappropriate behavior and must investigate, to the extent necessary, the facts surrounding the alleged misbehavior. 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 consequences other than an oral warning, written warning, or written notification to the parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. Detention

Teachers and Principals may use detention as a consequence for student misbehavior in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student's parent has been notified and the student has appropriate transportation.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to report the misbehavior to the Transportation Supervisor, who will bring the student’s misbehavior to the attention of the principal. The principal will then notify the parent of the misconduct.

Students who become a serious disciplinary problem on school transportation may have their riding privileges suspended by the principal, 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.

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 their designee to discuss the conduct and the consequence involved. Conduct that warrants short- or long-term suspension from school, as distinct from suspension from transportation alone, shall be handled in accordance with the applicable provisions of this Code for short-term and long-term suspensions.

3. Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parents will be provided with a reasonable 16 opportunities for an informal conference with the district official imposing the suspension to discuss the conduct and the consequences involved.

4. 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. 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. When these strategies are not successful, the teacher may refer the student to the principal's office for the remainder of the class period.

For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a substantially disruptive student from class subject to the provisions of Education Law §3214. The teacher must explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours. In addition, the teacher must meet with the principal or designee as soon as possible and no later than the end of the school day to explain the circumstances of the removal.

Within 24 hours after the student's removal, the Principal or designee must notify the student's parent that the student has been removed from class and why. The pupil and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the principal to discuss the reasons for the removal. The informal hearing shall be held within forty-eight hours of the pupil's removal, or otherwise extended to the corresponding time on the second school day following the pupil's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

The Principal or designee may overturn the removal of the student from class if the Principal finds that the charges against the student are not supported by substantial evidence, that the student's removal is otherwise in violation of law, or that the conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed. Any disruptive student removed from the classroom by the classroom teacher will be offered continued educational programming and activities until they are permitted to return to the classroom.

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 class until they have 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.

5. In-school Suspension

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

Alternate instruction will be provided to the student for the duration of the suspension. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity, within a reasonable time, to speak with the district official imposing the in-school suspension from classes to discuss the conduct and the consequence involved.

6. Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others, who are repeatedly substantially disruptive, or for whom other consequences have not been effective. 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 building principals. All staff members must immediately report and refer a violent or disruptive student to the principal for a violation of the code of conduct. All recommendations and referrals will be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member following the incident. The principal, with the assistance of their designees, upon receiving a referral that could lead to a suspension will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Suspensions of Five Days or Less

When the 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 misbehavior, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference will be in the dominant language or mode of communication used by the parents. At the conference, the parents will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference will take place before the student is suspended unless, in the sole discretion of the superintendent or principal, 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 student, parent or guardian must be notified in writing and the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents in writing of his or her decision. The principal will 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 five business days, unless they can show extraordinary circumstances precluding them from doing so.

The superintendent will issue a written decision regarding the appeal within 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 with the District Clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Suspensions of More than Five Days

When the principal recommends that a suspension for more than five days may be warranted, he or she will give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student may, at his/her expense, be represented by an attorney, if requested, and will have 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 will personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer will 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. The Board 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 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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 within 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. The procedures for permanent suspension are the same as those for a long-term suspension as defined above.

d. Procedure After Suspension

The Board may condition a student's early return from suspension on the student's voluntary participation in 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 reimposed.

Minimum Periods of Suspension

1. Weapons

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

- the student's age;

- the student's grade level;
- the student's intent;
- after guilt is determined, the student's prior disciplinary record;
- the superintendent's belief that other forms of discipline may be more effective;
- input from parents, teachers and/or others;
- other extenuating circumstances.

A student with a disability may be suspended for possessing a weapon on school property only in accordance with the requirements of state and federal law.

2. Violent Act

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, or who is found to have used or threatened to use an instrument of violence on school property, will be subject to suspension from school for at least one day. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian will be given the same 20 notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum one-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 Substantially Interferes with a 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 a teacher's authority over the classroom shall be subject to suspension from school for at least one day. For the purposes of this section, "repeatedly 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) on four or more occasions during a semester. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian 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 is a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum one-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.

C. Referrals

1. Counseling

The principal may refer students to a school counselor for group or individual counseling as needed. The principal or other school official shall notify a student's parent if referral for private individual or family counseling is recommended. The principal may also refer students for mental health counseling by a school psychologist or social worker and will notify the student's parent or guardian in a manner consistent with law and the regulations of the Commissioner of Education.

2. Juvenile Delinquents and Juvenile Offenders

For students found to have brought either a weapon (as defined in 18 USC §930(g)(2) or firearm (as defined in 18 USC §921), the superintendent or his designee is required to make the following referrals: a. to the County Attorney for a juvenile delinquency proceeding before the Family Court, any student under the age of 16, except students age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law 1.20(42); or b. to the appropriate law enforcement authorities, any student age 16 or older, and all students age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law 1.20(42).

IX. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. 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.

X. DISCIPLINE FOR 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 practices will be 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 10 consecutive school days; or b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, 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 pocket knife with a blade of less than two and one-half inches in length.

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

The Board, District Superintendent, 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. 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 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 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 45 school days if the student either:

- carries or possesses a weapon to or at school, on school premises or to a school function, or
- 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
- 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 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 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 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:

● the manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
● 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 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 10 school days after a decision is made by:
● the Superintendent to change the placement of a student to an IAES;
● an impartial hearing officer to place a student in an IAES; or
● 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:
● caused by or had a direct or substantial relationship to the student's disability, or
● the direct result of the district's failure to implement the student's individualized education program. 26

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 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 10 school days that in the aggregate total more than 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.

3. 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.

4. During suspensions or removals in excess of 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 27 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 misbehavior 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:

- 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

- the student's parent has requested an evaluation of the student; or

● 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,

● the student's parent has not allowed an evaluation of the student; or

● the student's parent has refused services; or

● 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:

● 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;

● 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;

● the student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or

● 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).

XI. VISITORS TO THE SCHOOL

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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 main office upon arrival at the school. They will be required to present photo identification, register in the main office 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 main office before leaving the building. Visitors who decline to provide valid identification may be denied entry to 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 register.
4. Parents or citizens who wish to visit the school, classroom or school activity while school is in session must arrange such visits in advance with the building principal and, if applicable, classroom teacher(s) so that disruption is kept to a minimum.
5. Any unauthorized person on school property or any visitor who violates any provisions of this Code of Conduct will be reported to the principal or his or her designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the expectations for public conduct on school property contained in this Code of Conduct. The principal may limit the access of any visitor on school property, including a parent, if that visitor's conduct disrupts the educational process or environment of the school.

XII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The Sherman Central School District is committed to providing a safe, welcoming, engaging, respectful and orderly environment that is conducive to learning. Members of the public are welcome and encouraged to support the educational process, extracurricular programs, and other school functions, In order to maintain this kind of environment, the public must also adhere to the expectations of the district. For the purposes of this section, "public" means all persons when on school property or attending a school function including students, teachers, and district personnel.

The expectations for public conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly. The purpose of this code is to promote an environment that is conducive to learning, maintain public order and prevent infringement upon the rights of others. All persons on school property or attending any school function must conduct themselves in a safe, respectful and orderly manner.

A. Prohibited Conduct

No individual or group shall:
1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.

2. Intentionally damage or destroy district property or the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs, sporting events, assemblies, theatrical or musical presentations, meetings, conferences, hearings, Board of Education meetings or other school activities.

4. Distribute or wear materials on school property 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, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex; or use language or gestures which a reasonable person would find intentionally discriminatory toward any person or group entitled to protection in his or her right to obtain an education under the New York State Executive Law. Such intimidation may be person-to-person, or communicated indirectly by writing, or electronic means, including but not limited to use of computers or the Internet.

6. Use technology or social media in a manner that is considered profane, lewd, vulgar, abusive, uncivil or unlawful.

7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

8. Obstruct the free movement of any person in any place to which this code applies.

9. Violate the traffic laws, parking regulations or other restrictions on vehicles.

10. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.

11. Smoke, use or ingest a cigarette, cigar, pipe, electronic cigarette (vape), chewing or smokeless tobacco, cannabis, concentrated cannabis products, or cannabinoid hemp.

12. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers while on duty as such, or except as specifically authorized by the Board of Education or by statute.

13. Loiter on or about school property.

14. Gamble on school property or at school functions.

15. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

16. Willfully incite others to commit any of the acts prohibited by this code.

17. Conduct themselves in a manner which violates Districts rules, particularly with regard to the limited public forum made available by the Board; or which violates the terms of any use permit.

18. Attempt to obtain property or favor from another by threat or by force.

19. Threaten bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.

20. Use language or gestures that are profane, lewd, vulgar or abusive, or uncivil, particularly during meetings, conversation or discussion with any teacher, administrator, staff member or student.

21. Place a bomb, explosive, biological or chemical weapon or incendiary device on district property, whether or not active; or make a telephoned, written or electronic message that a bomb, explosive, biological or chemical weapon or incendiary device has been or will be placed on or near district property.

22. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Enforcement

The Superintendent of Schools, building principal, or designee is responsible for enforcing the conduct required by this code.

When the principal or designee sees or is advised by others of an individual engaged in prohibited conduct actions that are not conducive to achieving a goal of making a school community free of violence, intimidation, bullying, harassment, discrimination, misconduct, or otherwise prohibited behaviors, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the behavior is not permitted and attempt to persuade the individual to stop. The Principal or designee shall also advise the individual of the consequences for failing to stop.

If the person refuses to stop engaging in the undesired behavior, 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 to assist in removing the person.

The District may initiate disciplinary action against any student or staff member, as appropriate and as described above. In addition, the district reserves its right to pursue legal action, civil and/or criminal, against any person violating the Code.

C. Consequences

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

1. Parents, Guardians or other Visitors

Parents, guardians, or visitors who violate this code may be directed to leave the premises and authorization to be present on school grounds or at school functions may be withdrawn.

2. Students

Students may be subject to disciplinary action as the facts may warrant, in accordance with this Code.

3. Teachers and School Administrators

Tenured teachers and school administrators may 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, pursuant to collective bargaining agreement or otherwise. Non tenured teachers and school administrators may be subject to disciplinary action as the facts may warrant in accordance with such legal rights as they may have, pursuant to collective bargaining agreement or otherwise.

4. Civil Service Employees

Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They may be subject to 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, pursuant to collective bargaining agreement or otherwise.

5. Other Staff

Staff members or other district personnel, including volunteers, other than those described in subdivisions 3 and 4 above, may be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have, pursuant to collective bargaining agreement or otherwise.

APPENDIX A Definitions

“Assault” means intentionally causing or attempting to cause physical injury to another person, with or without use of a weapon, and includes inadvertent physical injury to an individual other than the intended victim.

“Bullying” means a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.

“Cyberbullying” means harassment or bullying that occurs through any form of electronic communication, including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.

“Dangerous weapon” means the same as “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...[for] a pocket knife with a blade of less than 2-1/2 inches in length.” However, use of such a small-blade pocketknife to threaten or injure another person may subject the user to other penalties under this article of the code.

“Discrimination” means the denial of equal treatment, admission, and/or access to programs, facilities, and services based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the education of other students, and with the teacher’s authority over the classroom. (Education Law §3214(2-a)(b))

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

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

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

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

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law §11(8), that: a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; c) reasonably causes or would reasonably be expected to cause physical injury or

emotional harm to a student; or 34 d) occurs off school property and creates or would foreseeable create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Instruments used as a weapon” means items not included in the definitions of weapon below, and which are objects not normally considered to be weapons (e.g., such student tools as scissors, pens, pencils etc., or furniture, padlocks, trays, books, etc.) when such objects are intentionally used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Disciplinary action for use of an instrument used as a weapon may, in the discretion of the Superintendent or designee coincide with, but is not limited to, the mandatory suspension periods governing weapons

“Loitering” means to linger in a public place or where one has no particular or legal purpose.

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

“Physical Injury” means any impairment of physical condition, or intentional infliction of pain.

“Race” includes traits historically associated with race, including but not limited to hair texture and protected hairstyles.

“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 and 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 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.

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

"School function" means any school-sponsored extra-curricular event or activity whether on school property or elsewhere, including any activity that may take place in another state; and includes transportation to and from school, or from athletic or other extra curricular events and programs.

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

"Violent student" means a student under the age of 21 who: a) Commits an act of violence upon a District employee, or attempts or threatens to do so. The threat of bodily harm shall be deemed to be an act of violence if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to occur. b) Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts or threatens 35 to do so. The threat of bodily harm shall be deemed to be an act of violence, if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to occur. c) Possesses, while on school property or at a school function, a weapon. d) Displays, while on school property or at a school function, what appears to be a weapon. e) Threatens, while on school property or at a school function, to use a weapon. f) Knowingly and intentionally damaging or destroying the personal property of any school employee or any person lawfully on school property or at a school function. Knowingly and intentionally damages or destroys School District Property.

"Weapon," for purposes of this Code means: a) a weapon or firearm as defined for purposes of the Gun-Free Schools Act in 18 USC §921, as implemented by New York Education Law §3214(3)(d). Generally speaking, a weapon for purposes of this subsection is generally defined as one that fires a projectile by the action of an explosive. Possession, on school property, of a firearm meeting the statutory definition shall be subject to the mandatory penalties prescribed by federal and/or State law; and may be subject to such other penalties and requirements as are provided in this Code and related regulations; or b) any bomb or similar explosive device, irrespective of the type of detonator; any explosive device, including but not limited to a firecracker or other fireworks; poppers; any firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, BB or pellet gun, air-gun; spring gun; cap gun; starter gun; or imitation gun; loaded or blank cartridges or other ammunition; any switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, pocket knife or other dangerous knife; a billy club, blackjack, bludgeon of any type, or other device in which material (e.g. coins, locks, etc.) placed inside any container can be used to deliver a blow with force; chukka sticks; metal knuckles; a sandbag, or sandclub; a slingshot or slungshot; a Martial arts instrument, including but not limited to a kung fu star, ninja star, num chuck or shirken; a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray; any laser pointer or device; or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. Weapon shall also include any other instrument or device defined as a weapon under any provision of the New York State Penal Law, or under Federal statutes. Disciplinary action for possession of a weapon defined above but not contained within the Gun Free School Act definition and its State law counterpart may, in the discretion of the Superintendent or designee coincide with, but is not limited to, the mandatory suspension period of those statutes.