# NORTH ROSE-WOLCOTT CENTRAL SCHOOL DISTRICT

# CODE OF CONDUCT

## 2026 - 2027

ADOPTED BY BOARD:

Revisions: 8/19/2013; 8/8/2017; 9/22/2020; 9/23/2021; 8/25/2022, 8/24/2023, 8/22/2024, 8/28/25, 8/13/26

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## I . POLICIES AND REGULATIONS REFERENCED IN THIS DOCUMENT

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## II. INTRODUCTION:

The Board of Education ("Board") is committed to providing a safe and supportive school environment where students may receive, and district personnel may deliver quality educational services without disruption or interference. Responsible and respectful 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 requirements for conduct on school property and at school functions. These requirements are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The environment should be free from discrimination and harassment, as well as foster civility. A focus on the prevention of these behaviors through the promotion of educational measures will positively impact school culture and climate.

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, and other visitors when on school property or attending a school function.

Students may be disciplined for conduct that occurs outside of school property that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. The District reserves all rights to limit access to any individual who violates the Code of Conduct.

## III. DEFINITIONS

For purposes of this code, the following definitions apply.

**"ABSENTEEISM"** A student who meets the following criteria is defined as being chronically absent from school: The student is enrolled in school for at least 10 days and attends school at least one of those days. The student is absent at least 10 percent of the days they were enrolled.

**"ALCOHOL, MARIJUANA and ILLEGAL SUBSTANCE USE/ABUSE"** means possession, distribution, consumption, being under the influence, or sale of anything defined below as Illegal Substances.

**"ALTERNATIVE INSTRUCTION"** language revised to specify that continued educational programming needs to be appropriate based on the individual needs of the student. Significant changes from State Mandates with respect to tutoring.

**"CYBERBULLYING"** means Harassment/Bullying through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs, social media, and apps).

Cyberbullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District internet system or student use of personal digital devices including but not limited to cell phones, digital cameras, personal computers, electronic tools.

**"DISABILITY"** means (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

**"DISCRIMINATION"** means the unfair or prejudicial treatment against any student be a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**"DISRUPTIVE STUDENT"** An elementary or secondary student who is substantially disruptive to the educational process or substantially interferes with the teacher's authority within the classroom.

**"EMOTIONAL HARM"** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**"EMPLOYEE"** shall mean any person: (i) who is receiving compensation from a school district or (ii) whose duties involve direct student contact and (a) who is receiving compensation from any person or entity that contracts with a school to provide transportation services to children, or (b) who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine- B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such school, its students or employees, directly or through contract.

**"FRAGRANCE"** means fragrances, such as perfumes, colognes, scented lotions, and other strongly scented products; fragrance use is defined as the application of any scented product in a manner that causes disruption within shared or enclosed spaces, or that causes discomfort, allergic reactions, or respiratory distress in others.

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

**"HARASSMENT/BULLYING"** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying and DASA violations as defined in this Code that:

a) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
d) Occurs off school property and created or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

For purposes of this definition, the terms "threats, intimidation, or abuse" shall include verbal and non-verbal actions.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender (including gender identity and expression) or any other legally protected status.

Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done by one person or a group. Bullying may be a single act or a series of occurrences. Bullying may also be based on any characteristic including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

Bullying includes, but is not limited to, the following types:

**Verbal bullying:** includes but is not limited to name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

**Physical bullying:** includes but is not limited to poking, slapping, hitting, tripping, or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, taking personal belongings without permission, or threatening gestures.

**Social or relational bullying:** includes but is not limited to excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, blatant or subtle offensive body language, extortion, intimidation, coercion, etc.

**"HAZING"** means a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or

public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

a) Humiliation: socially offensive, isolating or uncooperative behaviors
b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs
c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors

**"ILLEGAL SUBSTANCES"** include, but are not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, and look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs and other related paraphernalia when possession is unauthorized or such are inappropriately used or shared with others, and any product which, when misused, will result in an impaired or altered state.

**"INFORMAL CONFERENCE"** is an informal meeting of the parents, guardians or individual(s) in parental relation to a student, a student and a School District administrator relative to a disciplinary incident involving the student without the requirements of tape recording or transcription and examination of witnesses associated with a Superintendent's hearing.

**"INTERNET-ENABLED PERSONAL DEVICES"** are internet-enabled personal devices that include but are not limited to, cell phones, smartwatches, tablets, personally owned laptops, e-readers, wireless earbuds, and gaming devices that are capable of connecting to the internet.

**"INTERVENTIONS"** Specific programs, strategies, restorative conferencing protocols, skill building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

**"MATERIAL INCIDENT OF HARASSMENT, BULLYING and/or DISCRIMINATION"** Material incident of Harassment, Bullying and/or Discrimination means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property and is the subject of a written or oral complaint to the Superintendent, Principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

**"PRINCIPAL"** means either the Principal of the building or any other administrator in the district acting in the Principal's absence or at the Principal's direction.

**"PARENT"** means the biological, adoptive or foster parent, legal guardian or a person in parental relation to a student.

**"PUBLIC"** means exposed to general view.

**"RESTORATIVE PRACTICES"** are a way of working with conflict that puts the focus on repairing the harm that has been done. It is an approach to conflict resolution that includes all of the parties involved.

**"RETALIATION"** means the actions of an employee, student, or visitor that mistreats any person because he/she has reported, testified about, or otherwise assisted in an investigation, proceeding or hearing concerning alleged harassment or bullying or a student disciplinary matter. An individual may be found to have engaged in prohibited retaliation even if the underlying complaint is determined to be unfounded. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment or inducing a third party to take such actions and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

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

**"SCHOOL FUNCTION"** Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. Education Law § 11(2).

**"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.

**"SEXUAL HARASSMENT"** means unwanted and inappropriate verbal, written, or physical conduct of a sexual nature directed toward another person.

**"SEXUAL ORIENTATION"** means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

**"SUSPENSION OF TRANSPORTATION"** The temporary or permanent withholding of bus transportation. During the period of denial of school bus transportation, parents or legal guardians are responsible for transporting the student to and from school.

**"TARDINESS"** Arriving late to school or class.

**"TOBACCO PRODUCT"** means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes

any simulated tobacco products that imitate or mimic tobacco products.

**"TWENTY-FOUR HOURS"** within the context of teacher removal of a student from class, is equal to one school day. Weekends, holidays, and vacation days are not counted as part of a twenty-four-hour period.

**"UNDER THE INFLUENCE" a** student shall be considered "under the influence" if he or she has used any quantity of an Illegal Substance, marijuana, or alcohol within a time period reasonably proximate to his/her presence on School Property, on a School Bus, in a school vehicle, or at a school-sponsored School Function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

**"WEAPON"** a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**"VIOLENT PUPIL"** means a student who:

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses a weapon while on school property or at a school function.
4. Displays what appears to be a weapon while on school property or at a school function.
5. Threatens a person with use of a weapon while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

**"WORKPLACE VIOLENCE"** means any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite. It ranges from threats and verbal abuse to physical assaults. It can affect and involve anyone on school property or at a school event.

## IV. 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 those rights, all district students have the right to:

1. An education that offers opportunity for inquiry and for development to their fullest potential
2. Constructive discipline for the development of good character, conduct, and habits
3. Security in the school community against influences detrimental to proper development
4. An educational climate where the well-being of students is of primary concern.
5. An educational staff that exhibits a positive role model
6. The opportunity to develop and express opinions, beliefs and values, provided such expression is not disruptive, slanderous or insubordinate.
7. A variety of extra-curricular activities
8. Health and psychological services to assist in physical, mental and social development.
9. An appropriate education and/or remediation to serve special needs.
10. Consideration as an individual within the educational environment
11. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education.
12. An educational environment that is free from bullying, discrimination, harassment and retaliation including threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

### B. STUDENT RESPONSIBILITIES

All district students have the responsibility to:

1. Contribute to maintaining a safe and supportive school environment that is conducive to learning.
2. Show respect to all students, adults, and property.
3. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class, on time and prepared to learn.
5. Accept direction given by teachers, administrators, and other school personnel in a respectful manner.
6. Work to develop mechanisms to control their anger.
7. Seek help in solving problems that might lead to discipline.
8. Dress appropriately for school and school functions.
9. Accept responsibility for their actions.

10. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
11. Report violations of the Code of Conduct to school personnel to help maintain a safe school environment.

## V. THE DIGNITY FOR ALL STUDENTS ACT

New York State's Dignity for All Students Act (DASA) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.

The intent of DASA is to provide public school students with an environment that is free from discrimination and harassment and to foster civility in public schools. It focuses on the prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate. DASA prohibits students from being subjected to harassment or discrimination by employees or students on school property or at school functions based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, whether such harassment occurs in a cyber-form or otherwise.

To comply with the DASA, each school building Principal shall designate the DASA Coordinator for that building who shall receive training in the handling of human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender (including gender identity and expression). (Education Law §13[3]). Each DASA Coordinator may be assisted by other staff members trained in human relations concerning the above-stated areas, including guidance counselors, The DASA coordinator shall also assist the Superintendent of Schools in providing School District personnel with training regarding the requirements of DASA, the District's DASA policy, and the handling of reports of such prohibited discrimination or harassment.

The principal of each building shall provide a regular report to the superintendent, at least once during each school year, on data and trends relating to harassment, bullying, and/or discrimination.

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. Under DASA, any retaliation for a reported violation also constitutes a violation requiring its own reporting and investigation.

## VI. ESSENTIAL PARTNERS

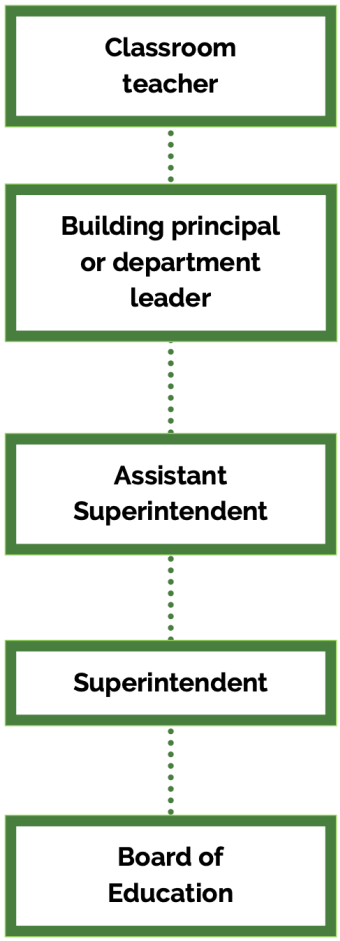
### A. PARENTS

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Ensure their children attend school regularly and on time.
3. Ensure their children are absent only for legal reasons.
4. Support their child to be dressed in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Help their children deal effectively with peer pressure.
7. Inform school officials of changes in the home situation that may affect student conduct or performance.
8. Participate in conferences between parents, students, teachers, counselors, and/or psychologist, conferences, as necessary, as a way to resolve problems.
9. Use communication protocol when contacting the school with concerns:

North Rose-Wolcott
CENTRAL SCHOOL DISTRICT

## Communication Protocol




The North Rose-Wolcott Central School District is committed to fostering effective communication between schools, families and the community. Please use the following protocol to work through questions and concerns so that we may come to solutions quickly and effectively.

If you do not hear back from someone within three business days or are unsatisfied with the communication, please proceed to the next step in the chain of command.

Contact information can be found in the Staff Directory section of our district website, **www.nrwcs.org**.

**B. TEACHERS**

All district teachers are expected to:

1. Promote and maintain a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn
2. Be prepared to teach.
3. Plan and conduct a program of instruction that will make learning rigorous and engaging.
4. Demonstrate interest in teaching and concern for the whole child.
5. Know, teach, and reinforce school rules in a fair and consistent manner.
6. Communicate to students and parents:
    a. Course objectives and requirements

b. Marking/grading procedures
c. Assignment deadlines
d. Expectations for students
e. Classroom management plan

7. Be respectful and courteous to students, families, colleagues, and community partners.
8. Communicate regularly with students, parents, mental health team, and other school staff concerning student growth and achievement. This includes initiating conferences when necessary.
9. Interrupt and respond, as well as immediately address and report instances of bullying, discrimination and 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 in compliance with the School District's DASA policy.
10. Acknowledge and reflect on personal biases that may prevent equal treatment of all students in the school or classroom setting.

**C. SCHOOL MENTAL HEALTH PROVIDERS (counselors, psychologists, social workers, community partner mental health providers)**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate conferences with necessary parties, as a way to address education and/or social emotional needs.
3. Review educational progress and career plans with each student.
4. Report information to a school administrator which might impact a safe, orderly school environment.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Participate in crisis management.
7. Refer students and/or parents to appropriate human service agencies outside the school.
8. Access student social and emotional behaviors
9. Maintain a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn
10. Confront issues of bullying, discrimination and 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.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
12. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a counselor's/psychologist's attention in a timely manner.
13. Maintain appropriate boundaries with students, staff, and all others on

District property and/or District events.

**D. ADMINISTRATORS**

1. Investigate, confront and respond to instances of bullying, discrimination and 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 in compliance with the School District's DASA policy in a timely manner.
2. Promote a safe, orderly and stimulating school environment, supporting teaching and learning.
3. Lead staff in providing a welcoming and affirming learning environment.
4. Ensure that students, staff, mental health team and parents have the opportunity to communicate regularly with the Principal and Assistant Principal.
5. Evaluate all instructional programs on a regular basis.
6. Support the development of, and student participation in, appropriate extracurricular activities.
7. Be responsible for enforcing the Code of Conduct and ensuring that all violations are resolved promptly and fairly.
8. Ensure regular communication with law enforcement agencies.
9. Initiate conferences with parents, students, teachers, mental health team, and other staff members, as necessary, in order to resolve problems.
10. Promote and maintain a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn.
11. Acknowledge and reflect on personal biases that may prevent equal treatment of all students in the school or classroom setting.

**E. SUPERINTENDENT**

1. Promote a safe, supportive and stimulating school environment, fostering active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management, including DASA and Workplace Violence Prevention.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn
7. Confront and respond to instances of bullying, discrimination and 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.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner.
10. Report out to the District Wide Safety Team the following: trends across the district in regard to behavior, discipline, workplace violence, and threat assessments

**F. BOARD OF EDUCATION**

1. Adopt and review at least once every year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
2. Model a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn.
3. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a board member's attention in a timely manner.

**G. ALL OTHER SCHOOL EMPLOYEES (instructional and non-instructional)**

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning.
2. Maintain a climate of mutual respect and dignity, 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, which will strengthen each student's self-concept and promote confidence to learn.
3. Confront issues of bullying, discrimination and 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.
4. Address and report personal biases that may prevent equal treatment of all students in the school or classroom setting.
5. Address and report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner.

## VII. 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 are expected to exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's attire, grooming and appearance, including jewelry, make-up and nails, shall:

1. Be safe, appropriate for school and neither distracting from nor disruptive of the educational process.
2. Not include garments that are unduly revealing and see-through garments or lewd clothing.
3. Completely cover the student's underwear regardless of the student's posture or position.
4. Always include footwear that does not pose a safety hazard.
5. Not include hoods, sunglasses, or blankets in school, unless required for a verified medical or religious reason, or special school function such as spirit days.
6. Not include any item that is vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, or disability (criteria covered under DASA)
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Shirts, shorts and skirts must be a length that covers undergarments.
9. Not include jewelry that is disruptive to the educational process (e.g., spiked jewelry, chains hanging from clothing, etc.)
10. Not include excessive or disruptive fragrance use.
11. All physical education clothing MUST fulfill the dress code requirements.

Each building Principal shall be responsible for informing students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall 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 shall be subject to discipline.

## VIII. INTERNET-ENABLED DEVICES

All New York State public schools are required to adopt and enforce policies eliminating the use of internet-enabled personal devices during the school day, from the first bell to dismissal. Research shows that consistent access to phones, smart watches and other internet-enabled devices negatively affects academic achievement, student engagement, and mental health. This policy aims to help students focus on their academic responsibilities during the school day.

Internet-enabled personal devices, including cell phones and smart watches, will not be permitted to be used on school grounds during the school day. This includes instructional periods as well as non-instructional time such as recess, study halls, passing time, lunch, and homeroom. Devices will be kept in student lockers at the high school and middle school. At the elementary level, devices will be placed in padded envelopes in a locked cabinet until dismissal. Adults are encouraged to restrict personal phone use during the instructional day to model expected internet-enabled device use for students.

## IX. STUDENT CONDUCT

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

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

The District is committed to the use of Restorative Practices which proactively build relationships and a sense of community to prevent conflict. Restorative Practices have many benefits to individuals and our community, such as:

1. Building and strengthening relationships
2. Repair harm to individuals and relationships
3. Restore peace to one another within the school community and reduce violence

Therefore, we are committed to taking a holistic approach to student development by fostering restorative interventions to student conflict and misbehavior that causes harm to others. When a student is allowed space and opportunity to reflect upon their actions, there is the possibility of becoming responsible, wanting to make things right, and learning from their mistakes. While the offender chooses to apologize to those who were directly impacted by their negative choices, the victim is empowered to regain a sense of dignity and control by letting the offender know how their actions affected them. Students are able to repair their relationships with the guidance of a supportive and caring adult who also models for students the problem-solving process that they will one day utilize independently.

Current research strongly supports the position that punitive discipline alone is unlikely to improve behavior, and is in fact more likely to escalate it. Neither does this approach serve to hold a student accountable or provide opportunity for growth. Indeed, some students prefer consequences to a restorative approach in order to avoid being held accountable for their actions. Nonetheless, based on the nature of the misbehavior, restorative approaches may be combined with other school responses to allow for time and space to create a safe environment for all. Successfully integrating restorative practices creates a school community where harm is repaired, relationships are restored, social-emotional skills are built, productivity increases, and mutual respect fosters a truly welcoming and affirming environment.

## X. PROHIBITED STUDENT CONDUCT

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 penalties for their conduct.

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 action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.

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

As a general rule, discipline will be progressive. This means that a student's first violation will often merit a lighter penalty than subsequent violations. However, the district may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the building administrator and, if warranted, discipline shall be administered consistent with Part 201 of the Commissioner's Regulations.

This discipline code will be used by the District to consistently and fairly assign consequences for violating school rules or committing prohibited acts. All staff will enforce school rules, and teachers may establish additional rules within their classrooms. Administrative action will occur via referral when a staff member has exhausted the strategies identified in his/her classroom management plan. Interventions and/or consequences may include, but are not limited to, the following:

1. Restorative Practices
2. Warning/verbal reprimand
3. Referral
4. Parent/guardian notification
    a. Conference
    b. Parent/guardian
    c. Advisor/coach
    d. Service provider, e.g., social services, mental health, and probation
5. Student Agreement (behavioral, internet-enabled devices, etc.)
6. Assigned seating
7. Pass restriction (i.e., movement around the building is supervised, reduced, or eliminated)
8. Loss of privilege(s) (i.e. early release/late arrival, parking on campus, courtyard access, etc.)
9. Detention
10. Extended detention
11. Suspension (e.g., in school suspension or out of school suspension)
12. Removal from school property
13. Expulsion or permanent suspension
14. Police notification
15. Hold a consequence in abeyance (i.e., probation in lieu of a consequence)

## RANGE OF CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES

| **I OPTIONS** | **II OPTIONS** | **III OPTIONS** |
|---|---|---|
| Oral Warning<br>Written Warning/Referral<br>Parent notification<br>Detention<br>Loss of Privilege<br>Re-teaching/Education related to offense<br>Classroom Consequences<br>Office Discipline Agreement<br>Referral to Outside Agency | Removal from class<br>Extended Detention<br>Suspension from Transportation<br>Suspension from Athletics<br>Suspension from Social/ Extra-curricular<br>In School Suspension<br>Short-term Suspension<br>Referral to Outside Agency | Long-Term suspension<br>Permanent Suspension<br>Referral to Outside Agency<br>Police Notification |

Although not all-inclusive, the following list of offenses may result in disciplinary action, the range of which is further described below.

## OFFENSES AND CONSEQUENCES

| **Offense** | **Definition** | **Range of Consequences** |
|---|---|---|
| Absence (Unexcused) | An absence for a day or any portion of a day for any reason other than those cited as lawful and/or failure to bring a note by a parent/guardian to verify a lawful absence. | I – II |
| Alcohol/Drug Violation | Possession, distribution, consumption, being under the influence, or sale of illegal substances, alcoholic beverages, marijuana, drug paraphernalia or prohibited over-the- counter medications, and prescription medications. | II – III |
| Arson/fire | Attempting to, aiding in, or setting fire to a building or other property. | II – III |
| Bus Misbehavior | Any violation of bus behavior rules. | I – III |
| Cheating/Academic Dishonesty | Copying, plagiarizing, altering records, forging records or assisting another in such actions. Unauthorized use of AI. | I – III |
| Conduct Endangering Self of Others | A behavior that intentionally or unintentionally causes a risk to the physical, mental, or emotional well-being of self or others. | I – III |
| Computer/Electronic Communication Misuse | Any unauthorized use of computers, software, or internet/intranet account to access internet/intranet; accessing another's e-mail or an inappropriate website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices, social media, apps, etc.. | I – III |

| | | |
|---|---|---|
| Cutting class | Illegal absence from a class or school activity. | I – II |
| Cyberbullying | See description in Article III, Definitions, *supra*. | I – III |
| Defamation | False or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group. | I – II |
| Destruction of Property/Vandalism | Damage, destruction, or defacement (graffiti) of property belonging to another or the school. | II – III |
| Dishonesty | Misleading, concealing or failing to tell the truth. | I – II |
| Discrimination | Discrimination against any person by a student or employee on school property or at a school function, including, but not limited to the harassment, discrimination or bullying described in Article III, Definitions, *supra*. | I – III |
| Disrespect Toward Others | Inappropriate comment or physical gesture to a student, teacher, staff member, or other adult. | I – II |
| Disorderly Conduct | Behavior disturbing the atmosphere or order, to include obstructing or restraining the authorized or lawful movement or participation of another. | I – III |
| Disruption-Classroom | Behavior that is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. | I – III |
| Disruption-School | Behavior that interferes with the safe and orderly environment of the school or school activity. | I – III |
| Driving/Parking Violations | Failure to obey all state, district, and campus traffic and parking signs and rules. | I – II |
| Failure to Serve Assigned Consequences | Failure to serve detention, suspension, or other assigned consequences. | I – II |
| False Alarms/Bomb Threats | Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher. | II – III |
| Fighting | A hostile confrontation with physical contact involving two or more students. | II – III |
| Fireworks or Explosives | Possession, use, and/or threat to use a firework, smoke bomb, flare, or combustible or explosive substance. | II – III |

| | | |
|---|---|---|
| Gambling | Wagering money or property. | I – II |
| Harassment and/or Bullying | See description above in Article III, Definitions. | I – III |
| Hazing | See description above in Article III, | |
| Horseplay | Student engaging in physical contact without the intent to injure, however it could result or does result in injury. | I-II |
| Inappropriate Attire | Dressing in a manner that violates the Dress Code, as described in Article III. Dress Code, above. | I – II |
| Indecent Exposure | Purposely exposing the private parts of the body of oneself or another. | I – III |
| Insubordination | Refusing to follow reasonable requests of teachers, staff, or administration, including failure to identify self, knowingly providing false information, and noncompliance with the Code of Conduct. | I – III |
| Leaving school grounds without permission | Leaving school grounds during regular school hours without written or verbal permission from parent/guardian, administrator or someone listed on the emergency contact list. | I – II |
| Littering | Failure to clean up after oneself after intentionally or carelessly discarding refuse. | I – II |
| Loitering | Idle presence in an area without authorization. | I – II |
| Non-sanctioned Sale of Goods | The sale of goods for personal gain, not through a school approved fundraising activity. | I – II |
| Physical Attack on Staff, Students/Others | Assault, or aggressive physical action, directed at students, staff, or others, including a situation where a staff member is intervening in a fight or other disruptive activity. | II – III |
| Possession of Disruptive Items | Unauthorized possession of a sound box/speaker, laser pointer, squirt gun, water balloon, blankets, personal audio device, or any other item deemed disruptive by administration. | I – II |
| Possession of Skateboards, Roller blades/Scooters, E-bikes/E-Scooter | Unauthorized use or unauthorized possession of a skateboard, scooter, or roller blades on school property. | I – II |

| | | |
|---|---|---|
| Profanity/Vulgarity | Use of language and gestures or other forms of expression that are inappropriate for school and have the effect of disrupting the educational environment. | I – III |
| Public Displays of Affection | Physical demonstrations of affection beyond short hugs and hand holding. | I – II |
| Sexting | Explicit and offensive or lewd communications exchanged with another by electronic means, including text messages, e-mail, or smartphone or computer applications, or any other electronic device, application or means. | I – III |
| Sexual Harassment | See definition above in Article III, Definitions. | I – III |
| Tardy to Class | A student's late arrival to class. | I – II |
| Tardy to School | A student's late arrival to school/first period/homeroom. | I – II |
| Theft | Taking or obtaining another person's property without the owner's permission. | II – III |
| Threat to Staff, Student or Other Person, or School Property | Any written, verbal or nonverbal expression that a reasonable person would consider communicating a threat of any harm or type of injury, abusive, intimidating, or being intended to coerce or injure another. | I – III |
| Tobacco Violation | Possession or use of any Tobacco Product, including e-cigs and vapes as defined in Article III, definitions. This prohibition extends to on school property, at a school function, on a school bus, or in a school vehicle. | I – III |
| Trespassing | Unauthorized presence on school property, including while on suspension. | I – II |
| Truancy | Unlawful absence without parental knowledge and/or permission. | I – II |
| Violation of Another Student's Civil Rights | Pursuant to 8 NYCRR § 100.2(l)(2)(ii)(f) | II-III |
| Unacceptable Language | Using vulgar or abusive language, cursing, or swearing. | I – II |
| Weapon Possession | See definition in Article III, Definitions. | II – III |

## XI . REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student or visitor who observes a violation of the Code should report it immediately to a School District employee. Any School District employee who observes or is made aware of such a violation should address the violation directly or report it to an administrator, as appropriate.

Certain acts of misconduct which occur may require the exercise of reasonable judgment by School District personnel in consultation with the building administrator, Superintendent of Schools, or his/her designee to determine whether the misconduct should be referred to law enforcement or other governmental agencies. The School District's administrators and teachers are responsible for administering the School District's policies, rules and regulations governing student conduct in a reasonable manner, considering the age level, maturity and/or disability of the student(s) involved, as well as the gravity of the offense.

### Reporting Discrimination, Harassment and Bullying

The school building administrator is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator, or school employee, and upon receipt of such a report, these employees shall notify the building administrator as soon as is practical. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment, and bullying, and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a School District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the employee shall notify the school building administrator as soon as is practical, and, in any event, within one school day after witnessing or learning of such conduct. Such a School District employee shall also file a written report with the school building administrator within two school days after making an oral report.

After receipt of a complaint, the school building administrator shall lead or supervise a thorough and reasonable investigation of the alleged harassing, bullying and/or retaliatory conduct. The building administrator or the building administrator's designee shall ensure that such an investigation is completed within a reasonably prompt time, in accordance with the School District's DASA policy and/or any other applicable policy. All complaints shall be treated as confidential and private to the

extent possible within legal constraints.

Based upon the results of such an investigation, if the School District determines that one of its officials, employees, volunteers, vendors, visitors and/or students has violated the Code, the District's DASA policy or that engaged in a material incident of harassment, bullying and/or discrimination, the School District shall take such immediate corrective action that is reasonably calculated to stop any future instances of such misconduct, eliminate any hostile environment, create a more positive school culture and climate, and ensure the safety of every student or students against whom such violation was directed and who reported or cooperated in any investigation or proceeding regarding such violation.

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

If the Principal is the alleged offender, the report may be directed to the Superintendent of Schools, the Assistant Superintendent for Instruction & School Improvement, or another building Principal. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

i. Promptly investigated in accordance with the School District's policy.
ii. Forwarded to the Dignity Act Coordinator for monitoring; and
iii. treated as confidential and private to the extent possible within legal constraints.

The building administrator must promptly notify the Superintendent of Schools or his/her designee and, if appropriate, an appropriate local law enforcement agency an incident of bullying, harassment, or discrimination that the building principal believes may constitute a crime.

Prevention is the cornerstone of the School District's effort to address bullying and harassment. In order to implement its anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the building administrator at each school to act as the DASA Coordinator for that building. The District's designated Dignity Act Coordinators are:

| *Name* | *School* | *Phone* | *Email* |
|---|---|---|---|
| Primary-Assistant Principal Secondary-John Bittner | Elementary | 315-587-4005 | jbittner2@nrwcs.org |

| | | | |
|---|---|---|---|
| Primary- Joseph Canori<br>Secondary-Mary Finn | Leavenworth Middle School | 315-594-3130 | jcanori@nrwcs.org<br>mfinn@nrwcs.org |
| Primary- Lisa Visalli<br>Secondary- Lori Purcell | High School | 315-594-3100 | lvisalli@nrwcs.org<br>lpurcell@nrwcs.org |
| Megan Paliotti | District | 315-594-2020 | mpaliotti@nrwcs.org |

Each additional DASA Coordinator shall be employed by the District and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor or Superintendent of Schools. These individuals shall be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status as well as provided with training which addresses the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

## XII. DISCIPLINARY PROCEDURES AND PENALTIES

The amount of due process to which a student is entitled before a student disciplinary penalty may be imposed depends on the type of penalty being considered. In all cases, regardless of the penalty being considered, School District personnel authorized to impose such a penalty must notify the student in reasonable detail of the misconduct the student is alleged to have committed, conduct an investigation regarding the alleged misconduct and provide the student's parents with any notice required by Education Law § 3214. Prior to the imposition of any penalty, a student must be provided an opportunity to state their version of the facts to school personnel considering the imposition of a disciplinary penalty, which must be commensurate with Education Law § 3214.

Students who are to be given a penalty that exceeds a verbal warning, written warning, written notification to their parents or detention, may be entitled to additional rights, as listed below, before the penalty is imposed.

1. **Detention**

   Teachers, building administrators and the Superintendent may use after- school detention as a penalty for student misconduct for which removal from the classroom or an out-of-school suspension would be inappropriate.

2. **Suspension from transportation**

   If a student fails to conduct himself/herself properly on a bus, the bus driver shall notify the building administrator of the student's conduct and the building administrator shall address the matter with the student and the student's parents as the building administrator deems appropriate. Students who become a serious disciplinary problem or safety risk while on the bus may have their riding privileges suspended by the building administrator or the Superintendent. In such cases, the student's parent shall be responsible for

arranging for the student's safe and timely transport to school. However, in any case in which a student's suspension from transportation would amount to a suspension from attendance of school, the School District shall make appropriate arrangements to provide for the student's education.

A student who is being considered for a suspension from transportation is only entitled to an informal conference with the building administrator to discuss the conduct and an appropriate penalty.

**3. Suspension from athletic participation, extra-curricular activities and other privileges:**

Students are expected to adhere to the Athletic Code of Conduct. A student being considered for a suspension from athletic participation, extra-curricular activities or other privileges is only entitled to an informal conference with the School District official responsible to consider and determine the propriety of imposing such a penalty during which they may discuss the student's alleged conduct and an appropriate penalty.

**4. In-school Suspension**

The Board recognizes that its schools must balance the need of students to attend school and the need to maintain good discipline and order in the classroom and school buildings and an environment conducive to learning. Therefore, the Board authorizes its Superintendent and its building administrators to impose an in-school suspension on students who are found to have engaged in misconduct that warrants an out-of-school suspension. An in-school suspension is the temporary removal of a student from his/her regularly assigned classroom and his/her placement in another area of the school building designated for such a suspension and where the student will receive a substantially alternative education that is appropriate with the student's needs.

A student subjected to an in-school suspension shall only be entitled to an informal conference with his/her parents and the School District official considering the imposition of an in-school suspension, during which they may discuss the student's conduct and an appropriate penalty.

**5. Teacher Removal of Disruptive Students**

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good classroom management techniques. Occasionally, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure an appropriate learning environment for the other students in a class.

A classroom teacher may remove a student from class for up to two days if the teacher determines that the student is disruptive. The removal shall only apply to the particular class from which the student was removed.

If the teacher finds that the student's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption of the academic process, the teacher shall, before removing the student from the classroom, provide the student with

an explanation of the reasons for such removal and allow the student to informally state his/her version of the relevant events. In cases in which the teacher believes the student's continued presence in the classroom poses a continuing danger to persons or property and does not present an ongoing threat of disruption of the academic process, the teacher shall provide the student with an explanation of the basis for the student's removal and an informal opportunity to be heard within the school day following the student's removal.

A teacher who has removed a student from his/her class shall complete the School District's established referral form for such cases and inform with the building administrator of the removal and the reasons for it before the end of the school day on which the removal occurred or as soon thereafter as is possible.

The building administrator shall inform the person in parental relation to the student of the removal and the reasons for it within the school day following the student's removal. The parent(s) and student shall be given, upon request, an opportunity for an informal conference with the building administrator to discuss the reasons for the removal. If the student denies the charges at the informal conference, the building administrator shall provide an explanation of the reasons for the student's removal and provide the student and/or person in parental relation with an informal hearing at which the student and/or person in parental relation may state the student's version of relevant facts. Such an informal hearing shall be held within two school days of the student's removal.

Such and, on request, provide the student and the student's parents with an opportunity for an informal conference with the building administrator or the building administrator's designee to discuss the reasons for the removal. If the student denies the grounds for his/her removal during the informal conference, the building administrator or the building administrator's designee shall provide the parent with an explanation of the basis for the student's removal and provide the student and/or the student's parents with an opportunity to present the student's version of events at an informal hearing to be held within 48 hours of the student's removal.

The building administrator may set aside the removal imposed by the teacher if the building administrator finds that the charges against the student are not supported by substantial evidence or the student's removal was otherwise in violation of law or the conduct warrants an out-of-school suspension. The building administrator shall make such a determination by the end of the business day following the second school day on which the informal hearing was held.

Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, a teacher may not remove a student with a disability from his or her class unless and until the teacher has verified with the Building Principal and/or Director of Special Education that the removal will not violate the student's rights under Article 89 of the Education Law or 8 N.Y.C.R.R. § 201.1, et seq.

Nothing in this section of the Code abridges the customary right or responsibility of a Principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management

techniques such as "time out" in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class.

**6. Out-of-School Suspension:**

Students who engage in misconduct that is insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others may be assessed an out-of-school suspension pursuant to Education Law § 3214. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

Any staff member may recommend a student's suspension to the Superintendent or the Principal. All student disciplinary referrals and recommendations shall be made in writing on the School District's form for such purposes unless the circumstances require 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.

**a. Out-of-School Suspension Not Exceeding Five Days:**

An out-of-school suspension for five days or less may be imposed by a student's Building Principal, the Superintendent, or the Board of Education (the "suspending authority"). When the suspending authority determines that such a suspension may be appropriate, the suspending authority shall provide the student with an explanation of the basis for the suspension. The Principal shall make reasonable efforts to provide the person in parental relation to the student with telephonic notice of the proposed suspension and the reasons for it. The Principal shall provide the person in parental relation to the student with written notice of the suspension, the reasons therefore, and that the student and person in parental relation may, upon request, have an informal conference with the Principal at which they may state the student's version of events and the parent may have questions asked of complaining witnesses. Such notice and opportunity for an informal conference shall take place before the student's suspension, unless the student's continued presence in the school shall pose a danger to persons or property or is an ongoing threat or disruption to the academic.

If the suspending authority determines that the student's continued presence in the school shall poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the pupil's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the opportunity for the informal conference, the Principal shall notify the parents in writing of the discipline to be imposed.

A student or person in parental relation to the student may appeal the Principal's decision to the Superintendent by filing a written appeal with the District Clerk within 5 business days of the date of the notice of the Principal's decision, absent any extraordinary circumstances. Final decisions of the

Superintendent may be appealed to the Board of Education within 15 days of the date of notice of the Superintendent's decision.

**b. Out-of-School Suspensions Exceeding Five Days:**

When the Superintendent determines that student misconduct may warrant an out-of-school suspension exceeding five days, the School District shall provide the person in parental relation to the student with reasonable notice of their right to a fair hearing at which the student may be represented by counsel, question witnesses against the student, present witnesses on the student's behalf and present other evidence in defense of the charges.

The Superintendent or the Superintendent's designee shall conduct such hearing and shall be authorized to administer oaths and to issue subpoenas in for that purpose. An audio recording of the hearing shall be maintained. The Superintendent shall determine the charges and an appropriate penalty to be
assessed, if any, or the Superintendent's designee shall provide the Superintendent with a report stating findings of fact and a recommended penalty, if any, which shall be advisory only.

A student or person in parental relation to the student may appeal the Superintendent's decision to the Board of Education by filing a written appeal with the District Clerk within 15 business days of the date of the notice of the Superintendent's decision. The Board shall determine such an appeal based solely upon the record of the Superintendent's hearing. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commission of Education within 30 days of the date of notice of the Board's 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.

## A. MINIMUM PERIODS OF SUSPENSION

### 1. Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property will be subjected to suspension from school for at least one calendar year, following a hearing pursuant to Education Law §3214. The Superintendent has authority to reduce this penalty based on mitigating circumstances on a case-by-case basis. Mitigating circumstances, the Superintendent may consider include 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 a weapon to school**

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least one day, consistent with the requirements of Education Law § 3214 and the provisions regarding out-of-school suspensions stated above. A Building Principal has the authority to modify the minimum one-day suspension based on mitigating circumstances, on a case-by-case basis.

In deciding whether to modify the penalty, the Principal may consider the same factors identified above regarding the Superintendent's consideration of a one-year suspension for possession of a weapon.

A student with a disability may be suspended only in accordance with the requirements of Part 89 of the Education Law and Part 201 of the Commissioner's regulations.

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

Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, may be suspended from school for at least one day, in compliance with Education Law § 3214 and the above-stated provisions concerning out-of-school suspension. The Principal shall have discretion to modify the minimum one-day suspension based on mitigating circumstances, on a case-by-case basis. In deciding whether to modify the penalty, the Principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with Part 89 of the Education Law and Part 201 of the Commissioner's regulations.

**B. REFERRALS**

1. **MTSS Process:** Students who require referrals to outside agencies will be determined through the MTSS process. The Single Point of Access Coordinator will support these students and families in collaboration with school building staff.

2. **PINS Petitions:** The School District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
   a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
   b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
   c. Knowingly and unlawfully possesses marijuana or other illegal drugs

in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

3. **Juvenile Delinquents and Juvenile Offenders:** Students who have brought a "weapon" or "firearm" (as defined in 18 U.S.C. §930(g) (2) and 18 U.S.C. §921, respectively) to school may be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) will be referred to a presentment agency for juvenile delinquency proceedings, unless the student is a fourteen (14) or fifteen (15) year- old who qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42); a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualified for juvenile offender status will be referred to the appropriate law enforcement authorities.

## XIII. ALTERNATIVE INSTRUCTION

When a student of any age is removed from a 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 continued educational programming through alternative means of instruction for the student appropriate to their individual needs.

## XIV. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This Code affords students with disabilities subject to disciplinary action no greater or lesser rights than those provided under applicable federal and state law and regulations.

### A. Authorized Suspensions or Removals of Students with Disabilities

1. For the purposes of this section of the Code, the following definitions apply. A "suspension" means a suspension pursuant to Education Law §3214. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

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

recurring.

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

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

b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines
that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or has inflicted serious bodily injury while at school or at a school activity. For this purpose, the following definitions apply:

1) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

2) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act of any other federal law.

3) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except…[for] a pocketknife with a blade of less than 2 ½ inches in length."

4) "Serious bodily injury" as defined in 18 USCA §1365(h) means a bodily injury that involves:

1. a substantial risk of death; or
2. extreme physical pain; or
3. protracted or obvious disfigurement; or
4. protracted loss or impairment of the function of a bodily member, organ or mental faculty.

An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or

her current educational placement poses a risk of harm to the student or others.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

**B. Change of Placement Rule**

1. A 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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The district's Committee on Special Education shall:

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

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

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

Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES or impose a suspension that

constitutes a disciplinary change in placement.

If it is determined that the conduct is not a manifestation of the disability, the student may be disciplined in the same manner and duration as a non-disabled student.

A student may not be suspended or removed from his or her current educational placement following a determination that the behavior in question is a manifestation of the student's disability except where the student is placed in an IAES for not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, the student knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury while at school or at a school activity.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability, or
2. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations, or
3. Was not provided consent for the evaluation by the parent, or
4. Received the parent's refusal of services or revocation of consent for services.

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

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

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her

current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

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

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

(1). During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

(2). If school personnel propose to change the student's

placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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

**E. Referral to Law Enforcement and Judicial Authorities**

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

1. The School District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## XV. 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 environment, any administrator or instructional personnel may question a student about an alleged violation of law or the School District policies or rules, including this Code without first providing the person in parental relation with notice of such questioning or seeking that person's consent.

To ensure a safe and respectful environment at school-sponsored events, students attending school-related functions may be subject to a breathalyzer screening upon arrival. Additionally, any bags, including purses and backpacks, brought to these events may be inspected by designated staff. These precautionary measures are in place to promote the well-being of all attendees and to uphold the district's commitment to a secure, orderly setting that supports positive student experiences.

Any School District administrator or instructional personnel may search a student's person or belongings if the administrator or instructional personnel have grounds to reasonably suspect that the student has violated the law or School District policies or rules and the search will result in evidence of such violation.

"Reasonable suspicion" means that whoever is conducting or authorized the search, has a good faith reason to believe that the student violated the law or school rules and that a search will provide evidence of such violation. Such a reasonable belief must be based upon all the circumstances of the situation, including such things as:

a. The student's age.

b. The student's school record and past history.

c. The seriousness of the problem to which the search is directed.

d. The reliability of the information used to establish the need for the search.

e. The urgency necessitating an immediate search.

School District administrators and instructional personnel may search a student or the student's belongings based upon information received from a reliable informant – i.e., someone the administrator or teacher knows to be trustworthy or who has made an admission against their own interest, or the same information has also been 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 are presumed to be reliable.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Under no circumstances will any School District personnel conduct a strip search of a student or require a student to disrobe beyond an outer coat or jacket for purposes of a student search.

By virtue of requesting authorization to park a motor vehicle on school property, a student and/or any owner of such vehicle, agree that the School District may search the vehicle at any time and the student and/or vehicle owner have no reasonable expectation of privacy in a vehicle, or anything contained therein.

**A. Student Lockers, Desks and Other School Storage Places**

Students have no reasonable expectation of privacy with respect to school lockers, desks, or any other storage place owned by and belonging to the School District. Such items are the School District's property and students have no reasonable expectation of privacy in their regard. The School District's officials retain complete control over them. Therefore, School District personnel may search student lockers, desks and other school storage places provided by the School District, including School District computers and other information technology hardware provided by the School District or accessed through its Internet access provider, servers or other equipment and School District personnel may search such things at any time, without prior notice to, or consent from, students or the person in parental relation to a student.

Student data files and electronic storage areas are the property of the District. Such data and all District equipment shall be subject to District control and inspection. District officials and their designees may access all such files and communications without prior notice, without student consent, and without a search warrant. Students and other individuals with access to District computers and networks should NOT expect that information stored on such equipment or networks will be private.

**B. Strip Searches**

A strip search is a search that requires a student to remove any clothing, other than an outer coat, jacket, or similar outer garment. School District personnel are prohibited from conducting such a search of a student for any reason. In any case in which School District personnel believe a student may possess contraband that cannot be detected or secured without such a search, authorized school officials should contact either the student's parents and/or law enforcement officials, as appropriate, to have the student removed from the school.

### C. Interrogation of Students by Law Enforcement Officials

If law enforcement seeks to interrogate or remove a student, the District is required to immediately contact the student's parents or legal guardians to arrange for their presence, if possible, or obtain their consent unless law enforcement:

1. Has a warrant for the arrest of the student.
2. Has a court order authorizing the removal or interrogation of the student.
3. Is investigating a possible crime and law enforcement determines either:
   a) exigent circumstances exist.
   b) there is an immediate threat of serious physical harm; or
   c) there is an emergency and immediate need for assistance.

If possible, questioning of a student by police should take place in a private area outside the presence of other students but in the presence of the building principal or designee.

### D. Child Protective Services Investigations

Consistent with 18 N.Y.C.R.R. § 432.2(h) (2), the School District shall provide child protective services with such assistance and data that will enable the agency to fulfill its responsibilities properly, including access to records relevant to an investigation of such agency and access to any child named as a victim in a report of suspected abuse or maltreatment or any sibling of such a child resigning in the same home. Such access shall be provided upon request to the Building Principal without the necessity of presenting a court order or the consent of the student's parent or other person in parental relation to the student. School District personnel shall only ask child protective services to provide appropriate identification and comply with school visitor policies. In cases where child protective services interviews a student at a school, School District personnel shall observe said interview in the same room.

Representative of the local child protective services agency shall not be permitted to remove a student from school property without a court order authorizing it do so or an order of the Commissioner of the Department of Social Services.

## XVI. VISITORS TO THE SCHOOLS

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 is responsible for all the people 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 at the school will be considered a "visitor."

2. All visitors to the school must report to the Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out prior to leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are required to

provide identification to be run by the Raptor System.

4. Parents or citizens who wish to volunteer in a classroom while school is in session are required to be Board Approved and arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

5. Teachers are expected not to take class time to discuss individual matters with visitors.

6. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

## XVII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district 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 race, color, nationality, religion, age, sex, or disability (under criteria of the Dignity for All Students Act.)
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use of firearms or other weapons.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.

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

**B. Penalties**

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

Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Law enforcement officers may be contacted.

Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this Code, in accordance with the due process of law requirements.

Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

Staff members other than those described in subdivisions 4 and 5. They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other district staff who is authorized to take action consistent with the code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official 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 designated school official shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## XVIII. STANDARDS AND PROCEDURES TO ASSURE THE SECURITY AND SAFETY OF STUDENTS AND SCHOOL PERSONNEL

The District has established a District-level school safety plan and a building-level

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

## XIX. DISSEMINATION AND REVIEW

### A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the Code written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request (District's Back to School Newsletter).
3. Providing all current teachers and other staff members access the Code of Conduct and instruction on the Code of Conduct.
4. Providing all new employees with access to the current Code of Conduct when they are first hired.
5. Making copies of the Code of Conduct available for review by students, parents, and other community members.

On an annual basis, the Code of Conduct will be publicized and explained to all students and made accessible to parents and guardians of students. A copy of the Code of Conduct will be filed in each school building, where it will be available for review by any individual.

The Board will support an in-service education program(s) for all district staff members to ensure the effective implementation of the Code of Conduct. Such in-service program(s) shall include but not be limited to guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and /or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding service programs pertaining to the management and discipline of students. The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

Before making 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 30 days after adoption.