Pine Plains Central School District
Code of Conduct
2026-2027

DISTRICT CODE OF CONDUCT

INTRODUCTION

The Pine Plains Central School District is committed to maintaining high standards of education for students in the schools. Because the district believes that order and discipline are essential to being educated effectively, the district is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a Code of Conduct that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The district believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board of Education approved school personnel. Finally, it is our belief that, to be effective, such a code must:

• identify, recognize and emphasize acceptable behavior;
• identify, recognize and prevent unacceptable behavior;
• promote self-discipline;
• consider the welfare of the individual as well as that of the school community as a whole;
• promote a close working relationship between parents/guardians and the school staff,
• distinguish between minor and serious offenses, as well as between first time and repeated offenses;
• provide disciplinary responses that are appropriate to the misbehavior;
• outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
• encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
• comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the

school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

DEFINITIONS

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

Bullying – is a form of harassment and is understood to be a hostile activity which harms or causes fear through the threat of further aggression and/or creates terror. Bullying may be planned ahead of time or a sudden activity. A single individual or a group may accomplish bullying. Bullying is characterized by:

1. Power Imbalance – this occurs when a bully uses his/her physical or social power over a target.
2. Intent to Harm – the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of Further Aggression – the bully and the target believe the bullying will continue.
4. Terror – when the bullying increases, it becomes "systematic violence or harassment used to intimidate and maintain dominance."

(New York State School Boards Association.)

Dignity Act Coordinator (DAC) - at least one staff member appointed by the board of education at every school who is thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]).

Disability - (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, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner, the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

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

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

Gender - means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

Harassment – (1) the creation of a hostile environment by conduct or by verbal threats, bullying, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing or (2) conduct, bullying, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, bullying, verbal threats, intimidation or abuse includes, but is not limited to, conduct, bullying. verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]. The Dignity for All Students Act prohibits discrimination and harassment of students on school property, including at school functions, by any student or employee. Harassment may include, among other things, include the use, both on and off school property, of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as **cyberbullying**.

Parent - the parent, guardian or person in parental relation to a student.

Removal - the act of a teacher in discontinuing the presence of the student in his/her classroom.

School Bus - every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

School Day - the hours of required student attendance as established by the Board of Education for the school building in question.

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

School Function - any school sponsored extra-curricular, co-curricular or other event or activity.

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

Suspension - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Violent Student - a student under the age of 21 who:
• commits an act of violence upon a school employee, or attempts to do so.
• commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
• possesses, while on school property or at a school function, a weapon.
• displays, while on school property or at a school function, what appears to be a weapon.
• threatens, while on school property or at a school function, to use a weapon.
• 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.
• knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, pocketknife, switchblade knife, gravity knife, brass knuckles, sling shot, 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.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

The Pine Plains Central School District believes in the right of each child, between the ages of 5 and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of 6 and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free and appropriate public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements is met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age 6 through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

RIGHTS OF STUDENTS

Education in a free society demands that students be aware of their rights and

learn to exercise them responsibly. To this end, students have a right
• to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
• to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
• to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
• to be informed of all school rules;
• be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.

2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code".

3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

4. **Student Government** - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

5. **Student Clubs and Other Student Organizations** - The district encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the district authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.

6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of

their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.

7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

RESPONSIBILITIES OF STUDENTS

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

• to accept responsibility for his/her actions;
• to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
• to attend school on a regular and punctual basis;
• to complete class assignments and other school responsibilities by established deadlines;
• to show evidence of appropriate progress toward meeting course and/or diploma requirements;
• to respect school property, e.g. lockers, and help to keep it free from damage;
• to obey school regulations and rules made by school authorities and by the student governing body;
• to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
• to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
• to become familiar with this code and seek interpretation of parts not understood;
• to discourage inappropriate behavior of other students and report the incidents to the administration.

THE ROLE OF PARENTS

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are expected:

• to show an enthusiastic and supportive attitude toward school and education;
• to build a good working relationship between themselves and their child;
• to teach their child self-respect, respect for the law, respect for others and for public property;
• to insist on prompt and regular attendance;
• to listen to the views and observations of all parties concerned;
• to recognize that teachers merit the same consideration and respect that parents expect from their child;
• to encourage their child to take pride in his/her appearance;
• to insist that their child promptly bring home all communications from school;
• to cooperate with the school in jointly resolving any school related problem;
• to set realistic standards of behavior for their child and resolve to remain firm and consistent;
• to help their child learn to deal effectively with negative peer pressure;
• to provide a place conducive for study and completion of homework assignments;
• to demonstrate desirable standards of behavior through personal example;
• to foster a feeling of pride in their child for their school;
• to provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

THE ROLE OF SCHOOL PERSONNEL

School personnel play an important role in the education of students. In view of this responsibility, school personnel are expected:

• to promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
• to teach common courtesies by precept and example;
• to treat students in an ethical and responsible manner;
• to help students reach their maximum potential;
• to demonstrate desirable standards of behavior through personal example;
• to report violations of the Code of Conduct to the Building Principal or Acting Building Principal;
• to immediately report and refer violent students to the principal or Superintendent of Schools.

THE ROLE OF TEACHERS

Every teacher knows that s/he works every day with this Nation's most precious commodity - the future generation. In view of this responsibility, the teacher is expected:

• to promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
• to plan and conduct a product of instruction that will make learning challenging and stimulating;
• to recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
• to utilize classroom routines which contribute to the total instructional program

and to the student's development of civic responsibility;
• to seek to develop close cooperative relationships with parents for the educational benefit of the student;
• to distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
• to teach the common courtesies by precept and example;
• to handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
• to help students cope with negative peer pressure;
• to identify changing student behavior patterns and notify appropriate personnel;
• to enable students to discuss their problems with them;
• to send communications home promptly;
• to report to the principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
• to treat students in an ethical and responsible manner;
• to help students to reach their maximum potential;
• to serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
• to explain and interpret the Code of Conduct to students;
• to enforce the code in all areas of the school
• to demonstrate desirable standards of behavior through personal example;
• to know the support services available to students and refer students who are in need of such services;
• to comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
• to, in the event of removal from class, inform the student and the principal of the reason for the removal;
• to immediately report and refer violent students to the principal or Superintendent of Schools;
• to ensure that students are treated in a fair and equitable manner.
• to maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
• to confront issues of 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.
• to address personal biases that may prevent equal treatment of all students in the school or classroom setting.
• to report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

THE ROLE OF BUILDING ADMINISTRATORS

As the educational leaders of the school, the principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they are expected:

• to seek to develop a sound and healthful atmosphere of mutual respect;
• to evaluate the program of instruction in their school to achieve a meaningful

educational program;
• to help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
• to develop procedures which reduce the likelihood of student misconduct;
• to provide the opportunity for students and staff to approach the principal directly for redress of grievances;
• to work with students and staff to formulate school regulations;
• to assist staff members to resolve problems which may occur;
• to work closely with parents to establish a wholesome relationship between home and school;
• to utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
• to establish necessary building security;
• to assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
• to insure that students are provided with fair, reasonable, and consistent discipline;
• to comply with pertinent state laws governing hearings, suspensions, and student rights;
• to develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;
• to demonstrate desirable standards of behavior through personal example.
• to maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
• to confront issues of 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.
• to address personal biases that may prevent equal treatment of all students in the school or classroom setting.
• to report incidents of discrimination and harassment that are witnessed or otherwise brought to an administrator's attention in a timely manner.

THE ROLE OF DISTRICT ADMINISTRATORS

As the educational leaders of the school system, the Superintendent of Schools and central administrators are expected:

• to reinforce and extend the indicated responsibilities of the principals and make them applicable to the school system for grades K-12;
• to recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
• to develop and implement an effective Code of Conduct supportable by students, parents, staff and community;
• to demonstrate desirable standards of behavior through personal example;
• to provide each teacher with a copy of the Code of Conduct.
• to seek to develop a sound and healthful atmosphere of mutual respect.

THE ROLE OF THE BOARD OF EDUCATION

As the elected officials in charge of our schools, the Board of Education is expected:

• to demonstrate desirable standards of behavior through personal example;
• to seek to develop a sound and healthful atmosphere of mutual respect;
• to adopt the policies governing the district, including this Code of Conduct;
• to ensure that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
• to ensure that the Code of Conduct is clearly communicated to students, parents, staff and the school community;
• to ensure that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
• to annually review the Code of Conduct and update it as necessary

CONDUCT OF VISITORS

In an effort to maintain a safe and healthy educational environment, all visitors to the district must sign-in at the designated location of the building visited and obtain a visitor pass. Visitors are expected to conduct themselves in a manner that does not disrupt the academic process and in accordance with the law, Board of Education policy, and this Code of Conduct.

REPORTING CODE VIOLATIONS

1. To School District Personnel

All students are expected to promptly report and describe violations of the code of conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report and describe this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Any student who files a false report engages in disruptive behavior under this code.

2. To Local Law Enforcement Agencies

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practicable, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify

the student and explain the conduct that violated the code of conduct and allegedly constituted a crime.

3. To Human Services Agencies

The district will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the district will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

REMOVAL OF A STUDENT FROM THE CLASSROOM

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the district goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

• the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
• prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
• the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;

• the Building Principal or designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
• upon request, the student and his/her parent must be given an opportunity for an informal conference with the principal or designee to discuss the reasons for removal. If the student denies the charge(s), the principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
• the principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
• the principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the principal's conference at the principal's discretion.

The district shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

STUDENT SUSPENSION PROCESS

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

• is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
• exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
• is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

A. Pre-suspension Process

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the

school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short Term Suspension Process

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Superintendent prior to filing any further appeal. The Superintendent shall review the documentary evidence and written arguments of the parties, if any. The Superintendent does not provide the parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Superintendent. Any further appeals shall first be to the Board of Education and lastly to the Commissioner of Education.

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

D. Hearing Procedures

Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours-notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

• that the district's and the student's representatives shall have the right to examine and cross-examine witnesses;
• that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
• that the district has the burden of proving the charges by a preponderance of the credible evidence;
• that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
• that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

• that the case will proceed by having the district present its evidence through witnesses and other evidence first;
• that the district's witnesses shall be subject to cross-examination by the student's representative; and
• that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the district's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the 5 school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

Alternative Instruction

Pursuant to the Education Law, no student within the compulsory education ages of 6 and the school year in which s/he becomes 16 shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board. Any further appeal shall be made to the Commissioner of Education.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

E. Off-Campus Misconduct

A student may be subject to discipline for conduct constituting a crime, or otherwise threatens or disrupts the functioning of the school, which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

F. Dress and Grooming

Students are expected to dress and groom themselves in an appropriate manner. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines);
- any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- any dress or appearance which advocates or encourages other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- the wearing of hoods in school buildings during instructional hours (unless worn for religious or medical reasons);
- any dress or appearance which constitutes a disruption to the educational process.

G. Computer and Internet Use

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or social media posts originating from the school premises or received at the school premises or whose contents are shared in school, that a student user creates that:

- is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
- conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
- constitutes a state and/or federal crime;
- is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s)
- is intimidating or harassing in nature;
- attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.

2. Internet use that circumvents access restrictions placed upon the district's computer systems by the Board of Education or its administrative designee(s).

3. Computer and/or Internet use that is not school related or is unauthorized.

4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's access code number.

H. Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

I. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days

of suspension (including intervening weekends).

J. Suspension of Students with Disabilities

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the district will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504")/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

IDEA Disability

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter "IDEA") [a student with an educational disability], the Committee on Special Education (hereinafter the "CSE") must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.

3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school.

Suspensions Beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under §504/ Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student's disability.

A student classified or deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student's misconduct was not related to the student's disability;
2. The School District obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

Suspensions for Misconduct Involving Weapons and/or Drugs

A student classified or deemed to be known as having an educational disability

under IDEA may be suspended and placed in an interim alternative educational setting, determined by the CSE, for up to forty-five (45) days. If the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function, the student may be placed less than 45 days if a nondisabled student would be subject to less time under the same circumstances.

1. In accordance with law, the term "weapon" means "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 that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."

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

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as

a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting.

3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

K. Disciplinary Measures

The following shall constitute appropriate disciplinary measures authorized by this Code of Conduct:

1. Warnings (oral or written).
2. Detention.
3. Loss of privileges, i.e. recess, library, parking privilege
4. In-school suspension.
5. Suspension from school for up to five (5) school days.
6. Suspension from school in excess of five (5) days.
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days.
8. Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
9. Permanent suspension (Expulsion).

L. Infractions with Penalty References

1. Disturbances which disrupt instruction. (1, 2, 3, 4, 5)
2. Repeatedly disruptive and/or substantially interferes with the teacher's

authority in class, giving rise to removal on four or more occasions per semester (2, 3, 4, 5, 6)

3. Carelessness in failing to follow school rules and staff directions. (1, 2, 3)

4. Dress or grooming which is inappropriate as described in this code (1, 2,3)

5. Possession or distribution of obscene materials (1, 2, 3, 4,5)

6. Smoking, vaping and/or possession of tobacco and/or nicotine products on campus or at school functions (2, 3, 4,5)

7. Cheating in any academic, extra-curricular or co-curricular activity. (1, 2, 3, 4, 5, 6)

8. Abusive and/or indecent language and/or verbal threats and/or gestures directed at school employees or students on school grounds or at school functions. (2, 3, 4, 5)

9. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code and for failing to notify a parent of assignment to detention (1, 2, 3, 4, 5, 6)

10. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation (2, 3, 4, 5)

11. Fighting between students where harm is caused to one or more of the combatants (3, 4, 5, 6, 8)

12. A fight involving the use or threatened use of a dangerous or deadly weapon (4, 5, 6, 7, 8)

13. Any violent act against a teacher or other staff member, as described in this code (5, 6, 8)

14. Any violent act against another student or person in the schools or at a school function, as described in this code (5, 6, 8)

15. Possession of dangerous or deadly weapons on school property (6, 7, 8)

16. Possession of illegal drugs, dangerous drugs, counterfeit drugs or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at school or at school functions (4, 5, 6, 7, 8)

17. Use of illegal drugs, dangerous drugs, counterfeit drugs or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions (4, 5, 6, 7, 8)

18. Sale or other distribution of illegal drugs, alcohol or counterfeit drugs, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while at school functions (5, 6, 7, 8)

19. Possession of fireworks on school property or at school functions (4, 5, 6)

20. Use of fireworks while on school property or at school functions (4, 5, 6, 7, 8)

21. Commission of conduct which constitutes a misdemeanor while on school property or at a school function (4, 5, 6)

22. Commission of conduct which constitutes a felony while on school property or at a school function (4, 5, 6, 8)

23. Gambling (3, 4, 5)

24. Hazing (3, 4, 5, 6)

25. Obscene or vulgar behavior (2, 3, 4, 5, 6)

26. Blackmail (4, 5, 6, 8)

27. Plagiarism (3, 4, 5)

28. Arson (4, 5, 6,8)

29. Intentional destruction of school property (3, 4, 5, 6, 8)

30. Theft of school property (4, 5, 6, 8)

31. Mental or physical condition which endangers the health, safety and/or welfare of the student or others (3, 4, 5, 6, 8)

32. Violations of the Use of Internet-Enabled Devices During the School Day policy, will result in the device being held in the school office until the end of the school day, when the student may retrieve the device and the parent will be notified. For subsequent instances, the parent must retrieve the device. Further instances will result in the device being held in the school office daily and for longer periods of time.

33. Violation of computer use policy (1, 2, 3, 4, 5, 6, Suspension of Computer Privileges)

34. Class, study hall, homeroom, teacher detention, administrative detention cuts. (2, 3, 4)

35. Driving recklessly, speeding, failing to follow school crossing guard's directives on school grounds (Suspension of parking privileges, 3, 4, 5)

36. Activation of a false alarm, bomb threat or other disaster alarm (5, 6, 7, 8)

37. Forgery or fraud (3, 4, 5, 6)

38. Harassment and/or bullying and/or cyberbullying (2, 3, 4, 5, 6, 7, 8)

39. Intimidation or coercion (3, 4, 5, 6, 7, 8)

40. Leaving campus without authorization (3, 4, 5)

41. Parking in unauthorized areas (1, 2, 3, 4)

42. Public displays of affection beyond hand holding (1, 2, 3, 4)

43. Tardiness to class/school (1, 2, 3, 4, Lunch detention)

44. Unauthorized absence from school (1, 2, 3, 4)

45. Theft of personal property (2, 3, 4, 5, 6)

46. Trespassing while suspended from school (4, 5, 6)

47. Body piercing and/or tattooing of oneself or another on school property (2, 3, 4, 5)

THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.

CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the district and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

Discrimination and harassment of students, employees and visitors on school property, including at school functions, by any student or other person. Harassment may include, among other things, the use, both on and off school property, of information

technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

PROHIBITED CONDUCT

No person, either singly or in concert with others, shall:

• willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
• intimidate, bully, harass or discriminate by using verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a person's educational or work performance, opportunities or benefits, or mental, emotional or physical wellbeing or conduct, bullying, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a person to fear for his or her physical safety such conduct, bullying, verbal threats, intimidation or abuse includes, but is not limited to, conduct, bullying, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
• physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
• willfully damage or destroy property of the district or under its jurisdiction, or remove or use such property without authorization;
• without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
• enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
• without authorization, remain in any building or facility after it is normally closed;
• refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
• obstruct the free movement of persons and vehicles in any place to which these rules apply;
• deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
• knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
• willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so**;**
- willfully ignore signage or verbal directives restricting access or movement in any school building or parking area.

PENALTIES AND PROCEDURES

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

• If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
• If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
• If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by ‘3214 of the Education Law and the Code of Conduct.
• If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
• If a staff member in the classified service of the civil service, described in ‘75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
• If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

ENFORCEMENT PROGRAM

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action herein before provided.

4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board’s Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

APPENDIX A

CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

General Provisions

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Pine Plains Central School District recognizes that there are rules of ethical conduct for members of the Board and employees of the district that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the district. These rules shall serve as a guide for official conduct of the Board members and employees of the district. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Pine Plains Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Conflict of Interest

Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent

upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Pine Plains Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the school district, appear before any board or agency of the Pine Plains Central School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.