

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**I. CODE OF CONDUCT**

It is the School District's belief that each student should be treated as a person who can reasonably be expected to be responsible for his/her own behavior. The school administration will assist each student in this program of personal responsibility with rules of conduct focusing on safety and respect for the rights and property of others and consistently applied in the classrooms and throughout the school. Students who cannot accept the responsibility and violate school rules will be required to accept the penalties and may require additional supervision.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the students. Therefore, before seeking outside assistance, teachers will first use all their resources to create a change of behavior in the classroom. When the teacher has made every effort to bring about positive behavioral change and has been unsuccessful, the student will be referred to the administration. Once done, the administration assumes the role of deciding what further action will be taken.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

The Board of Education recognizes the need to clearly define the expectations for acceptable conduct on school property for students, teachers, other district personnel, parents, and other visitors. These expectations are based on principles of civility, citizenship, and character. To this end, the Board (of Education) adopts this Code of Conduct, which will define acceptable conduct, the possible consequences of unacceptable conduct, and the assurance that discipline will be administered promptly and fairly.

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

II. DEFINITIONS

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

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

"Disorderly" means intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk.

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“Insubordinate” means failing to comply with the lawful directions of a teacher, school administrator or other school employee.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 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 persons involve direct student contact (Education Law §§11[4] and 1125[3]).

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

“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 (Education Law § 11[1]).

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

“School Function” means any school-sponsored event or activity on or off school grounds.

“Violent” student means a student under the age of 21 who:

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

“Weapon” means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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“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, 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]).

“Harassment” means the creation of a hostile environment by conduct, with or by verbal threats, 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 well-being, or conduct, 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; the harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (identity or expression (Education Law § 11[7]).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality (Education Law § 11[5]).

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression (Education Law § 11[6]).

“Hazing” is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of or causes emotional, physical, psychological harm to a person, in order for the student to be initiated or affiliated with a student or other organization, or for any other purpose. Consent or acquiescence is no defense to hazing: i.e., the implied or expressed consent of a person or persons to hazing shall not be a defense to discipline under this policy.

“Bullying” is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing or habitual put-downs and or badgering of others.

Bullying occurs when someone purposely says or does mean or harmful things to another person who has a hard time defending oneself or is in an otherwise vulnerable position.

“Cyber-bullying” refers to any harassment/bullying, on or off school property, which occurs via the internet, cell phones, or other electronic devices.

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”Sexting” refers to an act of sending sexually explicit photos, images, text messages, or e-mails by using a cell phone or other electronic device.

III. DIGNITY ACT COORDINATORS

At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of this subdivision and trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

1. The designation of each Dignity Act Coordinator shall be approved by the Susquehanna Valley Central School District Board of Education.
2. The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information of each Dignity Act Coordinator by:
 - a. Listing such information in the code of conduct and updates posted on the Internet web site of the Susquehanna Valley Central School District.
 - b. Including such information in the plain language summary of the code of conduct provided to all persons in parental relation to students before the beginning of each school year, pursuant to 8 NYCRR 100.2(I)(2)(iii)(b)(3);
 - c. Include such information in at least one district or school mailing per school year to parents and persons of parental relation and, if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter;
 - d. Posting such information in highly-visible areas of school buildings; and
 - e. Making such information available at the district and school-level administrative offices.
3. In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the applicable governing body as set forth in subparagraph (i) of this paragraph within 30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to his or her duties as Coordinator.

IV. DIGNITY FOR ALL TRAINING

Commencing in the 2012-13 school year and continuing in each school year thereafter, the following Dignity for All school employee training program regulations are to be implemented in effort to promote a positive school environment that is free from discrimination and harassment and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

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1. Training is to be conducted for all instructional and non-instructional employees of the Susquehanna Valley Central School District.
2. Training is to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students by students or school employees on school property or at school functions; including by not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
3. Training is to raise awareness and sensitivity to potential acts of discrimination and harassment through cyber bullying/texting.
4. Training is to enable employees to prevent and respond to incidents of discrimination and harassment
5. Training is to include guidelines relating to the development of nondiscriminatory instructional and counseling methods.
6. Training is to be conducted as needed and may be implemented and conducted in conjunction with existing professional development.

V. STUDENT RIGHTS AND RESPONSIBILITIES

Pursuant to Section 100.2 (1) (i) of the Regulations of the Commissioner of Education, a bill of student rights and responsibilities is established. The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly, and civil school environment, all district students have the right to:

A. Student Bill of Rights

The district is committed to safeguarding the rights given to all students under state and federal law and to provide students with a safe school climate focuses on positive behavior. In addition, to promote a safe, health, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis, regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and receive an explanation of those rules in an age appropriate manner on at least an annual basis from school personnel.
4. Be suspended from instruction only after their rights pursuant to Education Law 4312 have been observed.
5. To take part in student activities unless properly suspended from participation pursuant.
6. To address the Board of Education on the same terms as any citizen.

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1. Contribute to maintain a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
4. Work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators, and other school personnel in a respectful positive manner.
6. Control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to disciplinary consequences.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Report infractions of the Code of Conduct, including, but not limited to, instances of discrimination or harassment.
12. Conduct themselves as representatives of the district when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
13. To make constructive contributions to his/her school and to report honestly the circumstances of school-related issues.

VI. ESSENTIAL PARTNERS**A. Parents**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.

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10. Help their children deal effectively with peer pressures.
11. Report infractions of the Code of Conduct, including, but not limited to, instances of discrimination or harassment.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.

B. Cafeteria Staff

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of students 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.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

C. Transportation/Custodial Staff

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, confidence and promote learning.
2. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety or any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

D. Support Staff

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Assist in maintaining a climate that is conducive to teaching and learning.

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3. Provide support and assistance to the staff that will enable them to do their job more efficiently and effectively.
4. Provide support and assistance to the students that will enable them to obtain the maximum benefits from their educational program.
5. Confront issues of discrimination and harassment committed against students by employees or students 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.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

E. Teachers

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Confront issues of discrimination and harassment committed against students by employees or students 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 infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

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1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teachers/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extra-curricular programs.
7. Confront issues of discrimination and harassment committed against students by employees or students 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 infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

G. Building Level Administrators

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extra-curricular activities.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Confront issues of discrimination and harassment committed against students by employees or students 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.

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1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Inform the Board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Confront issues of discrimination and harassment committed against students by employees or students 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.

I. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous 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 to acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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A student's dress, grooming and appearance, shall be safe, appropriate, and not disrupt or interfere with the educational process.

Each building principal or his or her designee shall be responsible for informing all 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, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

VIII. PROHIBITED STUDENT CONDUCT

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

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 student's ability to grow in self-discipline.

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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 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.

- a. The permissible penalties are:
The range of penalties and/or consequences which may be imposed for violations of the student disciplinary code include the following:
 1. verbal warning
 2. written warning
 3. written notification to parents
 4. in-house counseling
 5. probation
 6. reprimand
 7. detention
 8. suspension from transportation
 9. suspension from athletic participation
 10. suspension from social or extra-curricular activities
 11. exclusion of other privileges
 12. exclusion from a particular class
 13. in-house suspension
 14. short-term – 5 days or less – suspension from school (principals, superintendent, or Board of Education)
 15. long-term – more than 5 days – suspension from school (principals, superintendent, or Board of Education)
 16. permanent suspension from school (superintendent or Board of Education)
 17. restitution for property damage

Depending upon the nature of the violation, it is the Board's desire that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that an employee or agent take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination. Students may be subject to disciplinary action up to and including suspension from school one day.

- a. Engage in conduct that is disorderly. Examples of disorderly conduct could include but not limited to:
running in hallways
making unreasonable noise

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- using language or gestures that are profane
 - lewd, vulgar or abusive language
 - obstructing vehicular or pedestrian traffic
 - trespassing on school ground
 - computer electronic communications misuse including any authorized use of computer software or internet account
 - accessing inappropriate web sites or any violation of the District Acceptable Use Policy
 - harassment, bullying, or intimidating students or school personnel
- b. Engage in conduct that is insubordinate. Insubordination could include but not limited to:
- failing to comply with reasonable directions of a teacher, school administrator, or other school employee
 - lateness for, or missing, or leaving school without permission
 - skipping detention
- c. Engage in conduct that is disruptive. Examples of disruptive conduct include, but is not limited to:
- failing to comply with reasonable directions of a teacher, school administrator, or other school employee in charge of students
- d. Engage in conduct that is violent. Examples of violent conduct include but not limited to:
- committing an act of violence such as hitting, kicking, punching, scratching upon a teacher, administrator, or other school employee, or threatening or attempting to do so
 - possessing a weapon
 - displaying what appears to be a weapon
 - threatening to use any weapon
 - intentionally damaging or destroying the personal property of a student, teacher, administrator, or employee
- e. Engage in conduct that endangers the safety, morals, health or welfare of others. Some examples of such conduct would include, but not be limited to:
- harassment or illegal discrimination, which includes the use of race, color, weight, creed, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability as a basis for treating another in a negative manner.
 - bullying
 - cyber-bullying
 - sexting
 - lying to school personnel
 - stealing the property of other students

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defamation which includes making false or unprivileged statements or representations about an individual

discrimination which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or a disability as a basis for treating another in a negative manner

harassment

intimidation

hazing

selling, using or possessing obscene material

using vulgar or abusive language, cursing or swearing

smoking a cigarette, cigar, pipe or using chewing tobacco or smokeless tobacco

possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances or being under the influence, or synthetic cannabinoid products including but not limited to incense herbal mixture potpourri

gambling

indecent exposure to the sight or private parts of the body in a lewd or indecent manner

initiating or report warning of fire or other catastrophe without valid cause

misuse of 911

discharging a fire extinguisher

- f. Vandalism, willfully defacing, damaging or destroying school property or vehicles used by entities under contract with the district to provide services for the district. Willfully defacing, vandalizing, damaging or destroying the property of others on school premises, at school functions or on school buses under contract to the district.
- g. Misuse of school information technology or other school property.
- h. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately when riding on district buses to ensure their safety and that of other passengers to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.
- i. Engage in a form of academic misconduct. Examples may include, but not be limited to:
 - plagiarism
 - cheating
 - copying
 - altering records
 - or assisting any student in any of the above actions

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- j. Off campus & non-school day misconduct. Students may be disciplined for violations of school district policies and the Code of Conduct when there is a connection to or impact, effect on school students, personnel, activities, functions or property. Examples of misconduct include, but are not limited to: cyber-bullying, sexting, threatening or harassing students or school personnel through the use of electronic devices.

IX. REPORTING VIOLATIONS

Any teacher, administrator, board member, parent or other person may report a violation of the student disciplinary code to the building principal or his/her designee. Teachers and building staff will follow building policy and utilize building referral forms. Principal and his/her designee will then make an investigation of the charges and, if appropriate, institute an informal or disciplinary proceedings, and/or make a referral to the Committee on Special Education, as he/she deems necessary.

All students are expected to promptly report instances of bullying (verbal, physical, cyber-bullying), harassment discrimination or hazing on school property or at a school function immediately to proper school personnel. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the building principal, or their designee no later than one (1) school day after witnessing or receiving a report of such incident. The employee must then file a written report within two (2) school days after making the oral report.

The building principal or his/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.

Notwithstanding the above, any teacher or administrator may order detention for up to two days without first referring the case to the building principal provided, however, that the teacher or administrator gave the student notice of the reasons for the detention and an opportunity to discuss the facts believed to justify the proposed disciplinary action.

X. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

- A. A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and

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- B. self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to the principal’s office or designated and supervised area for the remainder of the class time only; or
- (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

When a student is substantially disruptive as defined above, a teacher may wish to remove the student from their class. This may be handled in one of two ways. The teacher may follow established building procedures and submit a disciplinary referral. The principal or his/her designee will then make an investigation of the charges and, if appropriate, institute an informal or disciplinary proceedings as outlines in Section VII. A teacher may also choose to remove a disruptive student for class for up to one day, which may be extended by principal or designee. The removal from class applies to the class of the removing teacher only. In this instance, the teacher will follow the steps as outlined below regarding teacher removal of students utilizing the district approved disciplinary removal form, and following the subsequent requirements as will the principal or his/her designee.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a

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disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior caused by or had a direct and substantial relationship to the disability or if the conduct was a direct result of the district's failure to implement the IEP.

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

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee and teacher to discuss the reasons for the removal. The referring teacher will attempt to contact parents by phone to notify the removal and why. Within same time period documenting attempts and contact.

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

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

1. The charges against the student are not supported by substantial evidence
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The referring classroom teacher is responsible for providing materials needed for continued educational programming.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class, with provisions for CSE notification, if applicable.

A. Remedial Consequences

Remedial responses which may be utilized for, but not limited to, instances of discrimination and harassment of students by students and/or employees may include:

1. Peer support groups; corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored;
5. Student counseling and parent conferences.

C. Suspension from school

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

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

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member.

The superintendent or principal, upon receiving a 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.

D. Minimum Periods of Suspension for Possession of Weapons, Commission of Violent Acts and Students who are Repeatedly Substantially Disruptive

Students who bring a weapon to school.

(Continued)

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

In accordance with the Gun Free Schools Act of 1994, any student who, after a hearing held pursuant to Education Law Section 3214, is found guilty of bringing a firearm onto the premises of any school owned or controlled by the school district will be subject to a penalty of at least a one year suspension from school. Under the Act, a firearm is defined as any weapon (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 weapon; and a firearm muffler or silencer; or any destructive device. The term does not include antique firearms as also defined under 18 USC Section 921.

School premises is considered to be any school building or school bus or the school grounds, including any building structure and surrounding outdoor grounds contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a County Clerk's office.

In determining an appropriate penalty, the Superintendent of Schools may modify the suspension requirement on a case by case basis, considering, among other things, the totality of circumstances surrounding the offense and the student's previous record.

A student may also be subject to arrest and prosecution by appropriate law enforcement authorities.

Suspended students when of an age of compulsory attendance, as defined by Education Law Section 3204, will be immediately provided appropriate alternative instruction outside of the school from which the student has been suspended for the duration of the suspension. Where a student has been classified as disabled pursuant to the Individuals With Disabilities Education Act (IDEA), in addition to the hearing required by

Education Law Section 3214, such students shall not be suspended in excess of ten days unless the district extends such student the additional procedural protections required by IDEA in connection with a change of placement.

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

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

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

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

E. Students who commit violent acts other than bringing a weapon to school.

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for up to five days and consideration will be given for a superintendent's hearing. The student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. The superintendent has the authority to modify the suspension on a case-by-case basis.

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

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

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

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

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**XI. ALTERNATIVE INSTRUCTION**

Suspended students when of an age of compulsory attendance as defined by Education Law Section 3205, will be immediately provided instruction outside of the school from which the student has been suspended for the duration of the suspension. Where a student has been classified as disabled pursuant to the Individuals With Disabilities

Education Act (IDEA), in addition to the hearing required by Education Law Section 3214, such students shall not be suspended in excess of ten days unless the district extends such student the additional procedural protections required by IDEA in connection with a change of placement.

XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board 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 as outlined in New York State Education Department Procedural Safeguard Notice.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded federal and state law and regulations NYS Education Law 207; 3214, 4403, 4410; Commissioner's Regulations 201.1-201.11; IDEA Act with Reauthorization Bill.

XIII. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by the district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher, or any person from injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

(Continued)

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

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

XIV. SEARCHES AND INTERROGATIONS

1. In recognition of presence of contraband which may be brought into school, the Board of Education authorizes the Superintendent of Schools or his/her designee to conduct searches of pupils and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of pupils attending our schools.

In conducting such searches, the administration and staff must be cognizant of both state and federal constitutional rights, which are applicable to personal searches of pupils and searches of their possessions. Such searches shall not be conducted unless founded upon reasonable suspicion.

Minimally intrusive searches, such as touching the outside of a bookbag, can be conducted by authorized school officials without reasonable suspicion, so long as the school official has a legitimate reason for the search.

Students have no reasonable expectation or privacy with respect to student lockers, storage spaces, or desks, and school officials retain complete control over them. This means that student lockers, storage spaces and desks may be subject to search at any time by school officials, without prior notice to students and without their consent.

When possible, police authorities shall deal directly with the parents or guardians of students. When investigations involve the school, district staff are to cooperate with the police and make every effort to contact parents prior to the investigation in order that the parents may be represented, if they so desire. With students under 16, parents must be contacted prior to the police investigation. If the student's parents cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted., The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

2. Child Protective Services Investigations

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

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

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

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

XV. VISITORS TO THE SCHOOL

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal 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 return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to visit a classroom while school is in session are required to arrange such visits in advance at the discretion of administration 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 or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

(Continued)

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

1. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XVI. 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 an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The 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.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs 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 programs.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. 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.

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by the code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

B. Penalties**C. Persons who violate this code shall be subject to the following penalties:**

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

D. Enforcement

The building principal or his/her designed shall be responsible for enforcing the conduct required this code.

When the building principal or his/her designee sees an individual engaged in prohibited conduct, which is his/her judgment does not pose any immediate threat of injury to persons or property, the principal or his/her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his/her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his/her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties": section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

(Continued)

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

These rules shall apply to all school property and school functions.

XVII. DISSEMINATION AND REVIEW**A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendation of the district staff, particularly teachers and administrators, regarding in-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.

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Adopted: 7/11/12

Revised & Adopted: 7/12/23