



**Elba Central School District**

**Code of Conduct**

***The purpose and tradition of Elba Central School District and its community is to empower and inspire our students to be continuous learners who are challenged to succeed.***

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Date Adopted:  
BOE Annual Review: August 12, 2019

## I. Introduction

**NOTE:** *This code of conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(l) of the Commissioner's regulations, and the Dignity Act. Unless otherwise noted, all statutory references in the sample code are to the Education Law.*

*The Board of Education has the exclusive authority to adopt and amend the code of conduct. However, the SAVE legislation requires that the code be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel (§2801(3)). School Districts are required to have their new codes of conduct in place by July 1, 2001. Further the Dignity Act requires School Districts to have amended codes of conduct to reflect the prohibition of discrimination and harassment of students by students or staff.*

### A. Dignity for All Students Act

The Board of Education of the Elba Central School District (Board) is committed to providing a safe and orderly school environment that promotes respect, dignity, and equality where students may receive, and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents, volunteers and other visitors is essential to achieving this goal. The board recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation, are detrimental to student learning and achievement. These behaviors interfere with the mission of the Elba Central School District to educate its students and disrupt the operation of its schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts. To this end, the board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, and at school functions, which means school-sponsored, extra-curricular events or activities. The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, which includes (among other things) school buses, and at school functions, which means school-sponsored, extra-curricular events or activities to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (code).

Unless otherwise indicated, this code and anything stated in the Dignity for All Students

Act applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

*NOTE: The Dignity Act prohibits discrimination and/or harassment of students on school property and at school functions by students and/or employees. However, harassment can 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.*

## **II. Definitions**

For purposes of this code, the following definitions apply:

### **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.

### **Parent**

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

### **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 Vehicle and Traffic Law §142.

### **School Function**

Any school-sponsored extracurricular event or activity.

### **Violent Student** is a student under the age of 21 who:

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

### **Weapon**

A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, 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.

### **Harassment**

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and it will

develop its policy to comply with them. It is also the Board's goal, in developing its policy, to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability.

### **The Dignity Act**

(Education Law §11[7]) defines harassment, bullying, and or discrimination as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse including cyberbullying as defined in EDUCATION Law Section 11(8) 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; including 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 or emotional harm, or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Such conduct, verbal threats, intimidation or abuse, includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

### **Bullying/Cyberbullying**

has been described by the USDE as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Cyber bullying is harassment or bullying in any form of electronic communication, and include incidents occurring off school property that create or would foreseeably create a risk of substantial disruption within the school environment.

### **Additionally, according to the USDE, bullying generally involves the following characteristics:**

☐ **An Imbalance of Power:** Children who bully use their power, such as physical strength, access to embarrassing information, or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

☐ **The Intent to Cause Harm:** The person bullying has a goal of causing harm.

☐ **Repetition:** Bullying behaviors generally happen more than once or have the potential to happen more than once.

### **Examples of bullying include, but are not limited to:**

☐ **Verbal:** Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.

☐ **Social:** Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.

☐ **Physical:** Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

### **Hazing**

The Penal Law defines hazing as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury (Penal Law §120.16). Under the Penal Law, it is also considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person (Penal Law §120.17).

### **Discrimination**

Discrimination is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, or and gender.

### **Prevention**

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value of all schools. A program geared to prevention is designed to not only decrease incidents of discrimination, harassment, bullying, taunting or intimidation, but to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention of such acts before they occur. The components of such an effort involve the following:

- ② Learning about and identifying the early warning signs and precursor behaviors that can lead to discrimination, harassment, bullying, taunting or intimidation. Gathering information about discrimination, harassment, bullying, taunting or intimidation on school property or at school functions directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- ② Establishing clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation through a district code of conduct developed in accordance with the requirements contained in Education Law §§12(2) and 2801 and 8 NYCRR §100.2(l)
- ② Training adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation.
- ② Raising awareness among school staff, through training, of the school experiences of student populations specified in the Dignity for All Students Act, including but not limited to; students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to discrimination, harassment, bullying, taunting or intimidation and/or other forms of anti-social and/or violent behavior.
- ② Providing adequate supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias, school buses and playgrounds.

- ☒ Raising parental awareness and involvement in discrimination, harassment, bullying, taunting or intimidation prevention and intervention.
- ☒ Providing examples of positive behaviors that are age appropriate.
- ☒ Instituting policies and practices that create a positive school climate.
- ☒ Using educational opportunities or curricula, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

### **Intervention**

Intervention by adults and bystanders with proper training can be an important step in preventing escalation and resolving issues at the earliest stages.

Remedial responses to discrimination or harassment, including bullying, taunting, or intimidation, could be associated with staff intervention. This might include measures designed to correct the problem behavior, prevent another occurrence of the problem behavior, and protect the targeted student. Remediation can be targeted to the individual(s) involved in the aforementioned behavioral approaches, which are targeted to the school as a whole.

In addition, intervention will focus upon the safety of the targeted student. When aware of incidents of discrimination, harassment or bullying, as well as intimidation or taunting, staff are expected either to refer the targeted student to designated resources for assistance, or to intervene in accordance with this policy and the relevant provisions of the code of conduct.

### **Provisions for Students Who Do Not Feel Safe at School**

The Board acknowledges that, notwithstanding actions taken by the district, intervention might require a specific, coordinated approach, if a student does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of incidents of discrimination, harassment, bullying, taunting or intimidation should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal or other appropriate or designated staff. The building principal, other appropriate or designated staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations. The district recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### **Training**

The Board recognizes that professional development is needed in order to implement an effective discrimination, harassment, and bullying prevention and intervention program. The Superintendent will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including, but not limited to, bus drivers, cafeteria staff and hall monitors, and all staff who have contact with students. In

compliance with Education Law §13(3), at least one staff member at every school must be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex. This staff member should be referred to as the Dignity Act Coordinator (DAC).

### **Reporting and Investigation**

Students who have been subjected to discrimination or harassment, parents whose children have been subjected to such behavior, or other students or staff who observe such behavior, are encouraged and expected to make verbal and/or written complaints to the appropriate and/or designated school personnel in accordance with the training and guidelines provided and the relevant provisions of the district's code of conduct. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy and the district's code of conduct. If a staff person is unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with his or her supervisor. There shall be a duty for all school personnel to report incidents of student-to-student and/or staff-to-student discrimination, harassment and bullying that they observe on school property or at school functions to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and/or staff-to-student discrimination, harassment and bullying of which they are made aware by students, staff, or persons in parental relation to their building principals or other administrator who supervises their employment. Supervisors may choose to refer the information to appropriate staff, which may include, among others, the DAC, for investigation as designated in the policy and/or code of conduct. The results of any such investigation shall be reported to both the targeted student and the alleged offender, as well as their respective parents or guardians, in accordance with the policy and/or the district's code of conduct. Local policies should be followed regarding communicating the results of the investigation. If party and/or their respective parents or guardians disagrees with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

### **Student Disciplinary Consequences/Remediation**

While the primary focus of this policy is on prevention, acts of discrimination, harassment and bullying may still occur. When such acts occur, student offenders will be given the clear message that their actions are inappropriate and will not be tolerated because they are inconsistent with the concepts of tolerance and respect for others and the fostering of civility in public schools in order to provide a safe and supportive school environment for all students. Student offenders must further be advised that their behavior must improve. Student offenders will receive in-school guidance on making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the district's conduct. If the behavior rises to the level of criminal activity, law enforcement will be contacted. This policy is meant to promote progressive discipline and intervention, as opposed to a "zero tolerance" approach. Responses to students' violations of the policy shall be age-appropriate and include both consequences and appropriate remedial responses to a student who commits one or more acts of discrimination, harassment and/or bullying.

Consequences for a student who commits an act or acts of discrimination, harassment and/or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's history of problem behaviors, and must be consistent with the district's code of conduct.

### **Investigating and Responding to Allegations of Staff-to-Student Harassment and/or Discrimination**

In the case of a report of alleged staff-to-student harassment and/or discrimination, reporting, investigation, and response must follow all applicable school and/or district policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct.

### **Non-Retaliation**

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by a student and/or an employee, on school grounds or at school functions, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Districts and their respective employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings (Education Law §16).

### **Dissemination, Monitoring, Review, and Reporting**

Pursuant to Section 100.2(l)(b)(1) of Commissioner's Regulations, each school district, must post their complete code of conduct and any updates on their website, if available, and must provide copies of a summary of the code written in plain language in an age-appropriate version to all students at an assembly at the beginning of each school year. Schools must also provide a plain language summary to all parents and guardians of students at the beginning of each school year. All teachers must also receive a complete copy of the Code of Conduct. Copies of the Code of Conduct must also be made available for review by other school staff and community members. Schools may voluntarily opt to develop a local complaint form to assist in the reporting of material incidents of discrimination, harassment, and bullying. Each year, as a part of the required annual review of the code of conduct, this policy may be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, the proposed policy revisions could be recommended to the Board for its consideration. In addition, the Board will receive the annual VADIR report, as well as other relevant data, for each school and for the district as whole, with particular attention to the trends in incidents of discrimination, harassment and bullying. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training. Districts should ensure that they report such information to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

### **III. Student Rights and Responsibilities**

#### **A. Student Rights**

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
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, when necessary, receive an explanation of those rules from school personnel.
4. To be protected from intimidation, harassment, bullying or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity, sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity.

#### **B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular 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 and work to develop mechanisms for self-management.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination.

## **IV. Essential Partners**

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
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 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.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Maintain civil conversations with school personnel and refrain from using abusive or objectionable language.
14. Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

### **B. Teachers**

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender and gender identity or sex, which will strengthen students' self-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. Confront issues of discrimination, bullying 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.

6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination, bullying and harassment that are witnessed by teachers or other instructional staff or who receive an oral or written report of such conduct shall promptly be orally reported to the building administrator, superintendent or their designee, and/or Dignity Act Coordinator (DAC) within a reasonable amount of time when they witness or receive the report and thereafter shall file a written report with the principal, superintendent or their designee.
8. 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.
9. Communicate regularly with students, parents and other teachers concerning growth and achievement.

### **C. Guidance Counselors**

All District counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain and encourage 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 and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Report orally any incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator, superintendent and/or their designee, which may be the Dignity Act Coordinator and file a written report of such incident with the designated official to receive these reports after making an oral report.

### **D. Principal**

All District principal is expected to:

1. Promote a safe, orderly and stimulating school environment and support active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen student' self-image and promote confidence to learn.
7. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are submitted to the Principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
8. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's code of conduct, reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.
9. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
10. Shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

### **E. Superintendent**

The superintendent of schools is expected to:

1. Promote a safe, orderly and stimulating school environment and support active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. The Superintendent and/or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigation is completed promptly after receipt of any written reports made under Education Law section 13.

7. When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or their designee shall take prompt action, consistent with the District's code of conduct, reasonably calculated to end harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate and prevent recurrence of the behavior.

12. The Superintendent and/or their designee shall ensure the safety of the student or students against whom harassment, bullying and/or discrimination was directed.

13. The Superintendent and/or their designee shall notify promptly the appropriate law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

### **F. Board of Education**

The Board of Education is expected to:

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.

### **V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats, bandannas, headbands, visors, and other headgear in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal

drugs and/or encourage other illegal or violent activities.

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 out of 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 five days out of school suspension.

## **VI. 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 students' ability to grow in self-discipline.

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

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
8. Violation of the District high school attendance policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or

otherwise demonstrating disrespect.

2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Making unreasonable noise.
3. Engaging in any willful act that disrupts the normal operation of the school community.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or at-tempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school District property ..
8. Threatening (direct or indirect) including electronic to commit an act of violence upon another student, teacher, administrator, bus driver, other school employee, or any other person lawfully on school property, at a school function or in the commission of one's duties as an employee of the District.
9. Utilizing any form of social media to cause fear or harm, even if done outside of school, is inappropriate and may be subject to consequences.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender,

gender identity sexual orientation or disability as a basis for treating another in a negative manner.

5. Harassment including sexual harassment, bullying and cyber bullying which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning and which includes the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a student

to fear for his or her physical safety. Such acts of harassment and bullying include those that occur on school property; at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Harassing and bullying behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender and gender identity.

6. Intimidation or bullying. Threatening, stalking or seeking to coerce or compel a person to do something; engaging in nonverbal or verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practices, gender, gender identity and expression, sexual orientation, age or disability that substantially disrupts the educational process 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. Intimidation, cyberbullying and bullying are forms of harassment.

7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

8. Selling, using or possessing obscene material.

9. Using vulgar or abusive language, cursing or swearing.

10. Smoking or possession of a cigarette (lit or unlit); use or possession of vapors or synthetic drugs; use or possession of an electronic cigarette; vaping liquid or other liquids that can be used in an e-cigarette; e-cigars and vapors, and e-hookas; use or possession of cigars, pipes, chewing or smokeless tobacco; on school property.

11. Possessing, consuming, selling, distributing or exchanging alcoholic

beverages, tobacco in any form, illegal substances, or being under the influence of aforementioned. “Illegal substances” include but are not limited to: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, look-alike drugs, vapors, synthetic drugs and any substances commonly referred to as “designer drugs.”

12. Possessing or inappropriately using or sharing prescription or over-the-counter drugs. **Prescription drugs and over-the-counter medications are not permitted to be in the possession of the student** unless the parent has provided the parent has provided the District a physician’s order to carry. The parent or guardian must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container. The nurse may administer the medication if the parent or guardian submits a written request from a physician indicating the diagnosis and frequency and dosage of the prescribed medication.

13. Gambling.

14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

16. Swearing, vulgarity, profanity or abusive cursing directed at a staff member.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

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

## **VII. Reporting Violations**

**All staff members are obligated to immediately report a violent student to the school principal or office.**

All students are expected to promptly report violations of the code of conduct to a bus driver, staff member, teacher, school counselor, and 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 this information immediately to a teacher, the building principal or the principal’s designee, or the superintendent.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts shall report the incident orally to the Principal, the Principal’s designee,

the Superintendent or the Dignity Act Coordinator. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed following receipt. The District's Building Principal, Superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written report made.

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Superintendent, Principal or their designee shall take prompt action, consistent with the District's code of conduct, reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed. .

Any retaliation against an individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited.

All District staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff that 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 practical.

The reporting of prohibited student conduct is a shared responsibility by all members of the school. Students can expect to have a conference with their teacher, and/or building administrator when they have violated the code of conduct. Parents can expect notification from either the teacher or building administrator in most cases. In some instances, conferences will be scheduled including the student, teacher, parent(s), and building administrator (optional). Additionally, some violations of the code of conduct may be reported to support agencies within the community.

### **VIII. Disciplinary Penalties, Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs. School personnel will use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

1. The student's age.

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. In some instances, depending upon the seriousness of the offense, a severe consequence may be warranted for each rules violation.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students , a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

### **A. Penalties**

Students who are found to have violated the District's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty.

1. Oral warning – any member of the District staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – director of transportation, principal, superintendent
6. Suspension from athletic participation – coaches, athletic director, principal, superintendent
7. Suspension from social or extracurricular activities – activity advisor, principal, superintendent
8. Suspension of other privileges – principal, superintendent

9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal
11. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
12. Long-term (more than five days) suspension from school – principal, superintendent, Board of Education
13. Permanent suspension from school – superintendent, Board of Education.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. A student will have an opportunity to present his or her version of the facts to the school personnel imposing the disciplinary penalty.

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

Detention - Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will occur during the activity period and students assigned to detention will report to the detention room for a period of supervised study. No talking, sleeping or misbehavior will be allowed during this punishment period. No student will be allowed to leave the room without specific permission from the teacher in charge. Students are to come prepared to work and sit in seats as assigned by the teacher. If for some serious reason a student cannot serve detention on that day, he/she is to contact an administrator for permission to change the day of detention. Only administrators have the authority to change the day. Failure to do so will result in the doubling of the amount of days to serve in detention. Habitual and deliberate disregard of detention will result in assignment to extended detention followed by other more serious penalties. In elementary school detention will be imposed as a penalty only after the student's parent has been notified.

Extended Detention – The principal and the superintendent may use extended detention as a penalty for student misconduct where removal from the classroom or suspension would be academically inappropriate. Extended detention will take place from 2:30 p.m. to 4:30 p.m. As this is a penalty agreed to by the parent to avoid removal from school, the parent must agree to transport the student where necessary. No talking, sleeping or misbehavior will be allowed during this punishment period. No student will be allowed to leave the room without specific permission from the teacher in charge. Students are to come prepared to work and sit in seats as assigned by the teacher. If, for some serious reason, a student cannot serve detention on that day, he/she is to contact an administrator for permission to change the day of detention. Only administrators have the authority to change the day. Failure to attend and model

appropriate conduct will result in out of school suspension.

Suspension from Transportation - If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention in writing. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or the superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. A student subjected to a suspension from transportation will be provided with a reasonable opportunity for an in-formal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

Social Suspension (from athletic participation, extra curricular activities and other privileges) - A student subjected to a social suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

In-school suspension - The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

The following rules apply for in-school suspension:

Students are expected to work on current assignments.

There is to be no contact with other students during the day.

There will be no talking or sleeping during this period. Lunch is to be eaten in an assigned place.

Failure to comply with in-house rules may result in an extension of suspension time.

Teacher disciplinary removal of disruptive students - A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom

or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) 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.

A classroom teacher may remove a disruptive student from class for up to three days. The removal from class in the secondary applies to the class of the removing teacher and only in the subject area for an elementary student.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, and if this process does not further jeopardize teaching, the teacher will 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.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. The teacher must complete a District-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal forms. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another District administrator 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 to discuss the reasons for the removal.

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

The principal will generally require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law, including the District's code of conduct.

The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal 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 makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a District provided form) for all cases of disciplinary removal of students from his or her class. The principal will also keep a log of all removals of students from class.

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

Suspension from school - Suspension from school is a severe penalty, which may be imposed 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 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 recommendations and

referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Short-term (5 days or less) suspension from school - When the superintendent or principal proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally except where the student has demonstrated or voiced violent threats. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

Within twenty-four hours a written notice of the decision will be sent to the parents. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent. The superintendent shall issue a written decision regarding the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District clerk. Only final decisions of the Board may be appealed to the Commissioner.

Long-term (more than 5 days) suspension from school - When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's

parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses and the right to present witnesses and other evidence on his or her behalf. The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner.

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

### **C. Minimum Periods of Suspension**

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

- The student’s age.
- The student’s grade in school.
- The student’s prior disciplinary record.
- The superintendent’s belief that other forms of discipline may be more effective. Input from parents, teachers and/or others.
- Other extenuating circumstances.

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

Students who commit violent acts other than bringing a weapon to school - Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, 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.

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

#### **D. Referrals**

- Counseling - The Guidance Office shall handle all referrals of students to counseling.
- S.T.A.R. – The principal may offer the S.T.A.R. (Student Transition and Recovery) discipline program to parents to help their child on a voluntary basis. Students between the ages of 9 and 15 years may use the program in lieu of out of school suspension. The program combines military style discipline and academic instruction to improve student conduct and the learning environment. The philosophy of the program is "You can succeed, you will succeed, and we will show you how to succeed". The program has three components: STAR 1 is a one day prevention component in which students are referred to the program by parents and school officials for unruly behavior; STAR 2 is a 30 day component in which students are referred by parents and school officials for serious or continuous rule violations; STAR 3 is a 24 week component where students are ordered by Family Court to attend as a part of probation or an alternative to incarceration for serious offenses. A parent can also request placement of their child in the program. The day will begin at 5:30 a.m. with physical training until 7:00 a.m., breakfast and showers will follow, at 7:45 a.m. students will be brought back to ECS for classes, at 3:00 p.m. students will return to the STAR facility for homework, tutoring, etc., and the day will end at 6:00 p.m. It is hoped that this program can bring about a change in student attitude that will allow that student an opportunity to succeed in the regular school.
- PINS Petitions - The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 whom demonstrates that he or she requires supervision and treatment by: Being habitually truant and not attending school as required by part one of Article 65 of the Education Law. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05.
- Juvenile Delinquents and Juvenile Offenders - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  1. Any student under the age of 16 who is found to have brought a weapon to school,

or

2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 42).
3. The superintendent is required to refer student's age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### **X. Alternative Instruction**

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

### **X. 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. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

1. For purposes of this section of the code of conduct, the following definitions apply. A "suspension" means a suspension pursuant to Education Law § 3214.

- A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The Board, the District (BOCES) superintendent of schools or a principal may order the placement of a student with a disability into an IAES, another setting

or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
    2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

### **Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - for more than 10 consecutive school days; or
  - subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the

student is removed and the proximity of the suspensions or removals to one another.

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

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

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

The District's Committee on Special Education shall:

Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under

IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

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

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

Conducted an individual evaluation and determined that the student is not a student with a disability, or manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

- The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
- Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

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

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing.

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

### **Referral to law enforcement and judicial authorities**

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

### **XI. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. 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 physical 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. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

## **XII. Student Searches and Interrogations (Revised 11/9/09)**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District code of conduct. Students are not entitled to any

sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the search. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Whenever practicable, searches will be conducted in the privacy of administrative offices.

### **A. Student Lockers, Desks and other School Storage Places**

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

### **B. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work.

**Use of Drug-Dogs:** The District may periodically request the services of a trained drug dog from local law enforcement agencies. Approved searches of school property by drug-detecting dogs shall be made only by properly trained dogs and trained police handlers under the supervision of the principal. The purpose of the District's use of trained drug dogs is to respond to the problem of illegal drugs and contraband on school property, and to maintain a safe school environment conducive to learning. Drug dogs may be used to sniff the air in or around vacant classrooms, vacant common areas, student lockers, and automobiles parked on school property. Drug dogs will not be used for random sweep searches of students, and will only be allowed to sniff an individual student if there is sufficient cause to believe that the student possesses illegal drugs, substances or other contraband. During a search using dogs, pupils and teachers shall be segregated from the search area, and the dogs shall not come into contact with pupils and staff. A nonintrusive search of a student, the student's personal property or school property with the uncoerced consent by the student. A school official must be present during the non intrusive search. The student's parent or guardian shall be immediately notified if any illegal drugs, substances or other contraband are found as a result of a search conducted in accordance with this policy.

**Other Searches:**

Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant; or
- Probable cause to believe a crime has been committed on school property or at a school function; or
- Been invited by school officials.

The principal or designee may request a search on school premises be conducted by a law enforcement officer. The principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

**C. Child Protective Services Investigations**

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

### **XIII. Visitors to the Schools**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal 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: Anyone who is not a regular staff member or student of the school will be considered a visitor. 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. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register in advance with the classroom teacher(s), so that class disruption is kept to a minimum. Teachers are expected not to take class time to discuss individual matters with visitors. 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. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

#### **XIV. 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:  
Intentionally injure any person or threaten to do so.
- 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. Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, religion or religious practices, age, gender, gender identity or expression, sexual orientation or disability on school grounds or at a school function.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies. Violate the traffic laws, parking regulations or other restrictions on vehicles;
- 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.
- 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.

- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school District officials performing their duties. Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
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## **B. Penalties**

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

- Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest for trespassing (140.10- Class B misdemeanor).
- Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- 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.
- Service Law §75 or any other legal rights that they may have.
- Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The building principal shall be responsible for enforcing the conduct required by this code. When the building principal sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal 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 shall have the individual removed immediately from school property or 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.

## **XV. 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:

- Providing copies of a summary of the code to all students at the beginning of each school year.
- Making copies of the code available to all parents at the beginning of the school year.
- Mailing a summary of the code of conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.

- 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.
- Providing all new employees with a copy of the current code of conduct when they are first hired.
- Making copies of the code available for review by students, parents and other community members.
- Posting the entire code on the school district website.

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 recommendations 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 student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

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

### **CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

#### **Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with the Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty;
- b) Tolerance;
- c) Personal responsibility;
- d) Respect for others;
- e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act  
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;
- f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
- g) Observance of laws and rules;
- h) Courtesy; and
- i) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections  
801 and 801-a  
8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(c)

### **Interpersonal Violence Prevention Education**

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through

12.

Education Law  
Section 804(4)

### **5125.2 CODE OF CONDUCT ON SCHOOL PROPERTY**

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, 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 the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state. The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The Code of Conduct shall include, at a minimum, the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
  1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

c) Standards and procedures to assure security and safety of students and school personnel;

d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;

f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;

g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;

h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;

k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age- appropriate manner to all students on an annual basis; and
- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's Code of Conduct shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of

the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The District shall post the complete Code of Conduct (including all amendments and annual updates of the Code) on the District's website. The link to the District's posting will be requested annually by NYSED via the Uniform Violent Incident Reporting System (VADIR) and will serve as the submission to the Commissioner of Education.

The Board of Education shall ensure community awareness of its Code of Conduct by:

- a) Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 801-a, 2801 and 3214

Family Court Act Articles 3 and 7  
Vehicle and Traffic Law Section 142  
8 NYCRR Section 100.2(1)(2)

**5126: EXTRACURRICULAR ACTIVITIES STUDENT CODE OF CONDUCT**

Participation in extracurricular activities is a privilege that entails increased responsibility on the part of those who choose to participate.

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The Elba Board of Education believes that involvement in extracurricular activities is an integral part of a student's total educational program as it forms a connection between the student and the school community and nurtures each student's special interests and abilities. The intent of these regulations is to foster and promote good citizenship, sportsmanship and conduct, including a chemical-free lifestyle by all students. While disciplinary measures are a part of the approach to encourage such a selection, it is only one part. In addition, we believe strongly in educating students in these areas and the promotion of treatment for substance abuse. Students and their parents will be expected to read and abide by the code of conduct.