

# **SCHUYLERVILLE CENTRAL SCHOOL DISTRICT**



## **CODE OF CONDUCT**

**Amended July 29, 2014**

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## **Code of Conduct Committee**

### **Administration**

Gregg Barthelmas, Elementary Principal  
Matthew Sickles, High School Principal  
Katie Elsworth, Middle School Principal  
Aaron Grady, Assistant Principal

### **High School**

Mark Belden, Teacher  
Laura Lewis, Teacher  
Lisa Crouch, Educational Aide  
Nikolaus Steg, Parent

### **Elementary School**

Mary Beth Moran, Teacher

### **Student**

TBD  
TBD

### **Dignity Act Coordinators**

Elementary School – Gregg Barthelmas and Cassie Luthringer  
Middle School – Katie Elsworth and Erin Welch  
High School – Matthew Sickles and Aaron Grady

## **I. Introduction**

The Board of Education of the Schuylerville Central School District believes that the behavior of students attending SCS as well as community members visiting school or attending a school function should reflect acceptable standards of responsibility and the degree of good citizenship demanded of members of a democratic society. The Board of Education's objective is to provide all students with an equal opportunity to grow intellectually, socially, emotionally and physically. Parents, students and school personnel must work together to ensure the maintenance of the proper atmosphere to achieve this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on our core principles of respect, integrity, dignity, responsibility, citizenship, compassion, resilience, tolerance, commitment and accomplishment.

The Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property, 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 of Education adopts this Code of Conduct.

## **II. Definitions**

**School Property** means in or within any of our buildings, structures, athletic playing fields, playgrounds, parking lots or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus. Ref.: Educ. L. §2801(1).

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. Ref.: Educ. L. §11(1) and Vehicle an Traffic L. §142.

**School Function** means any school-sponsored extra-curricular event or activity. Ref.: Educ. L. §11(2).

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the individual from performing in a reasonable manner the activities involved in the job or occupation sought or held. Ref.: Educ. L. §11(4) and Executive L. §292(21).

**Employee** means any person receiving compensation from the School District or employee of a contracted service provider or worker placed within the school under a public assistance program, pursuant to Title 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title form the provision of services to the School District, its students or employees, directly or through contact, whereby such services performed by such person involve direct student contact. Ref.: Educ. L. §§11(4) and 1125(3).

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

**Cyberbullying** means harassment or bullying as defined under the terms “harassment” and “bullying” herein, where such harassment or bullying occurs through any form or electronic communication.

**Harassment and Bullying** mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student’s education performance, opportunities or benefits, or mental, emotional and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes emotional harm or would reasonably be expected to cause a student to fear for his or her physical safety or that actually causes physical injury. This definition includes acts

of harassment or bullying that occur on school property (as defined above); at a school function (as defined above); 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 the school property. Acts of harassment and bullying include, but are not limited to, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Ref.: Educ. L. §11(7).

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

**Material incident of Harassment, Bullying and/or Discrimination** means a single verified incident or a series of verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of "harassment and bullying" as defined above, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee. Such conduct shall include, but is not limited to threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in this definition 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 sec. 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality. Ref.: Educ. L. §11(5).

**Gender** means actual or perceived sex and includes a person's gender identity or expression. Ref.: Educ. L. §11(6).

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

- Commits or attempts to commit an act of violence upon a school employee.
- Commits or attempts to commit, 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.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

**Weapons Possession Only** means possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

**Weapons mean:**

Examples are, but not limited to:

- A firearm, including any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g. any explosive, incendiary, or poison gas, including bombs, grenades, rockets, or other similar devices). The term "firearm" does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks. Any article that resembles a firearm or weapon must receive approval from the Superintendent or Building Principal **PRIOR** to being brought onto school grounds.
- A switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife.

- A billy club, blackjack, bludgeon, chukka stick, metal knuckles, sandbag or sand club.
- A sling shot or slung shot.
- A martial arts instrument, including, but not limited to, a kung fu star, ninja star, nunchuck, or shiriken.
- An explosive, including, but not limited to, a firecracker or other fireworks.
- A deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray.
- An imitation gun.
- Loaded or blank cartridges or other ammunition; or
- Any other deadly or dangerous instrument.

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

The primary goal of public education is to give students equal opportunities to become worthwhile contributing members of society. Included in this goal are:

- To educate students to know their rights of citizenship granted by the Constitution of the United States and by the State of New York;
- To live within the rules and limits of society; and
- To develop good habits of self discipline.

**Student Rights:** In addition, to promoting a safe, healthy, orderly and civil school environment, all district students have the right to:

- Take part in all district activities on an equal basis, regardless of race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identity, sexual orientation or disability, real or perceived.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- Freedom of expression:
  - Students are entitled to express their opinions verbally in accordance with the law. The expression of such opinions, however, should not interfere with the freedom of others to express themselves or to impede the educational process. The use of obscenities and personal attacks is prohibited.
  - All student meetings in the school buildings or on school grounds must function only as part of the formal educational process or as authorized by the school principal.
  - Students are entitled to express, in writing, their personal opinions in accordance with the law. Such written opinions must be signed by the author(s). Libel, racism, sexism, obscenity and personal attacks are prohibited in all publications.
  - Student participation and opinions are encouraged through the publication of student newspapers, yearbooks and literary magazines. These publications have qualified faculty advisors.
- Privacy: It is the responsibility of the school to protect a student's privacy. The school will not disclose any information from the student's permanent records

except when such disclosures are authorized by a parent, guardian, or when directed or requested by legal authorities or other mandating agencies.

- Have their parents contacted in the event that they find themselves subject to school discipline or for other valid reasons.
- Be protected from bullying, harassment and/or discrimination based on actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, by employees or students on School District property or at a District-sponsored event, function or activity.

**Student Responsibilities:** It shall be the responsibility of students to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Work to develop mechanisms to control their anger.
- Ask questions when they do not understand.
- Accept responsibility for their actions.
- Seek help in solving problems that might lead to discipline.
- Dress appropriately for school functions.
- 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.
- To respect one another and treat each other fairly, civilly and with dignity in accordance with this Code of Conduct, other District policies, and the provisions of the Dignity for All Students Act, including the responsibility to act in a manner that fosters an environment free from intimidation, bullying, harassment and/or discrimination.
- Secure all personal belongings. The school district will not be held responsible for the loss and/or theft of any personal property, including, but not limited to, electronic devices.
- Promptly report violations of the District's Code of Conduct to a teacher, school personnel, building principal or his or her designee.

#### **IV. Essential Community Partners**

**Guardians:** To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, parents/guardians are encouraged to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Promote prompt and regular school attendance and make certain that all absences and tardiness are properly excused in writing or by phone.
- Promote in their child a desire to learn and encourage good study habits.
- Help their child to give proper attention to health, safety, personal cleanliness, acceptable dress and grooming in a manner consistent with the student dress code.
- Support their child's participation in school activities.
- Convey to their child a supportive attitude toward education and the district.
- Teach their child respect and dignity toward themselves and others, including but not limited to other students, regardless of actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.
- Know and understand the rules their child is expected to observe at school, be aware of the consequences for any violation of these rules and accept legal responsibility for their child's actions.
- Recognize that school personnel deserve the same consideration and respect that parents expect from their child in order to build good relationships.
- Help their child deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Obey school rules and procedures when visiting school or attending school functions.

**Teachers and Support Personnel:** In recognition of their charge in educating children, it shall be the responsibility of the teachers and support personnel to:

- Reflect a personal enthusiasm for teaching, learning, and a genuine concern for each student and colleague.
- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn. This must occur regardless of actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, and is intended to strengthen students' confidence and promote learning.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Enable students to discuss their problems by listening, remaining open-minded, consulting and acting on student recommendations in the decision-making process.
- Establish and maintain positive, effective and consistent classroom management techniques that result in involving and motivating students.
- Demonstrate, by work and personal example, respectful, responsible and caring behaviors.
- Refer to a parent, counselor or administrator any student whose behavior requires special attention.

- Be prepared to carry out their professional responsibilities.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School District property or at a District-sponsored function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of bullying, discrimination and/or harassment that are witnessed or otherwise brought to their attention, in a timely manner to the building administrator, Superintendent, and/or Dignity Act Coordinator. Reports must be made verbally within one school day of the underlying incident, and a written report must be filed with the designated official within two school days of making a verbal report.
- Communicate to students and parents:
  - Class objectives and requirements;
  - Marking/grading procedures;
  - Assignment deadlines;
  - Expectations for students; and
  - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Initiate and participate in teacher/student counselor conferences and parent/teacher/student counselor conferences, as necessary.

**Dignity Act Coordinator:** The Dignity for All Students Act requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability. This staff member should be referred to as the Dignity Act Coordinator (DAC). Ref.: Educ. L. §13(3).

**Guidance Counselors and School Psychologists:** As members of the student service team charged with promoting the academic, social and emotional needs of a student, counselors and psychologists will:

- Assist students in coping with peer pressure and emerging personal, social and emotional concerns.
- Initiate teacher / student / counselor - psychologist conferences and parents/ teacher / student / counselor - psychologist conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Be aware of current educational practices, laws and responsibilities they need to follow as they relate to Committee on Special Education (CSE).
- Willingly promote and support teachers that refer students to the Instructional Support Team (IST) and effectively track and define interventions as appropriate.

- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School District property or at a District-sponsored function.
- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn. This must occur regardless of actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, and is intended to strengthen students' confidence and promote learning.
- Report incidents of bullying, discrimination and/or harassment that are witnessed or otherwise brought to their attention, in a timely manner to the building administrator, Superintendent, and/or Dignity Act Coordinator. Reports must be made verbally within one school day of the underlying incident, and a written report must be filed with the designated official within two school days of making a verbal report.

**Building Administrators:** As the schools' educational leaders who set the educational climate, principals are responsible to:

- Promote a sound and healthy atmosphere of mutual trust and respect within their schools.
- Promote a safe, orderly and stimulating school environment, supporting active teaching.
- Evaluate the staff and program of instruction to achieve a meaningful educational program.
- Assist the staff in evaluating their own procedures in relation to the interactions within their classrooms.
- Attend to referrals of students.
- Promote communication with students, staff and parents.
- Maintain a positive and productive relationship between home and school.
- Ensure fairness, reasonableness and consistency in all decisions affecting students, parents and staff.
- Utilize all appropriate auxiliary staff and outside agencies when necessary.
- Coordinate staff and/or other agencies and services on behalf of the student.
- Assume responsibility for the dissemination and enforcement of the District's Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Comply with pertinent state laws governing hearings, suspension and student rights.
- Assist in developing in-service programs for staff members.
- Ensure that students and staff have the opportunity to communicate regularly with the principal.
- Support the development of and student participation in appropriate extracurricular activities.
- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn. This must occur regardless of actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, and is intended to strengthen students' confidence and promote learning.

- Promptly confront issues of bullying, discrimination and/or 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 District property or at a District-sponsored function.
- Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to their attention, in a timely manner in collaboration with the Dignity Act Coordinator.
- Lead or supervise the timely and thorough investigation of all reports of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the attention of the building principal or supervisory personnel in collaboration with the Dignity Act Coordinator or other District designee, and ensure that the investigation is completed promptly after receipt of any written report of such conduct.
- Take prompt action that is reasonably calculated to end harassment, bullying and/or discrimination; attempt to eliminate any hostile environment and try to create a more positive school culture and climate.
- Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.

**Superintendent:** As the Chief Executive Officer, the Superintendent has the responsibility to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning, which is free from intimidation, harassment and discrimination.
- Promote a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn. This must occur regardless of actual or perceived race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, and is intended to strengthen students' confidence and promote learning.
- Encourage and provide for the development of innovative, educational programs.
- Review with the administrators the policies of the Board of Education and state and federal laws relating to school operations, management and discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Be informed of the investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigations are completed promptly after the receipt of any written reports.
- Take prompt action that is reasonably calculated to end harassment, bullying and/or discrimination; attempt to eliminate any hostile environment and try to create a more positive school culture and climate.
- Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.

**Board of Education:** A primary task of the Board of Education is to establish district policy. It shall be the responsibility of the Board of Education to:

- 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.
- 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.
- Employ and retain high quality, qualified personnel.
- Support high quality in-service programs for all school employees.
- Lead by example by conducting Board of Education meetings in a professional, respectful and courteous manner.
- Appoint a Dignity Act Coordinator (DAC) in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity for All Students Act.
- Designate the District employee(s) charged with receiving reports of harassment, bullying and/or discrimination.

#### **V. Student Dress Code and or Grooming**

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 provided such dress and grooming does not disrupt the educational process of the school or endanger the health or safety of the individual student or others. 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:

- Be safe and appropriate and not disrupt or interfere with the educational process.
- Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- Recognize that brief garments such as, but not limited to, tube tops, short shirts/shorts, net tops, halter tops, plunging necklines (front and/or back) and see-through garments are not appropriate.
- Not include wearing garments, jewelry or other forms of symbolism associated with gangs or gang membership.
- Not include items that are offensive to others, vulgar, obscene and libelous or denigrate others on account of actual or perceived race, color, ethnic group, national origin, weight, religion or religious practice, gender or sex, gender expression and identity, sexual orientation or disability.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- Not cause injury to themselves or others.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Parents shall be notified when their child refuses to do so. The student shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

## **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, 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 of Education 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 engage in conduct that is disorderly or not conducive to a learning environment including, but not limited to:

- Engaging in conduct that is disorderly and/or disruptive, which may include the types of conduct set forth herein.
- Overt displays of affection.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- 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.
- Engaging in computer/electronics communications misuse which includes, but is not limited to:
  - The use of an electronic device during the school day interfering with the educational day. Cell phones, while not prohibited, should be "off and away" unless otherwise approved for use by administration.
  - Unauthorized use of computer software or internet/intranet account, accessing inappropriate websites, sharing of passwords, downloading of non-educational material, altering and/or tampering with the computer system and/or computer setting or any other violation of the district's acceptable use policy.

- Use of the internet, telephones, cell phones or other technological means to threaten, harass or denigrate other students or school personnel is prohibited.
- Engaging in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
  - Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
  - Demonstrating disrespect towards school personnel.
- Engaging in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
  - Selling, using or possessing obscene material.
  - Using vulgar or abusive language, cursing or swearing.
  - Smoking or possessing a cigarette, cigar, pipe and/or possessing or using chewing/smokeless tobacco.
  - A student alone or being in the company of student(s) possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, a prescription drug that has been prescribed for someone other than the user and any substances commonly referred to as “designer drugs.”
  - Inappropriately using or sharing over-the-counter drugs.
  - Gambling.
  - Sexting.
  - Bullying.
  - Cyberbullying.
  - Indecent exposure; that is; exposure to sight of the private parts of the body in a lewd or indecent manner.
  - Falsification of official school document.
  - Falsification of parent notes and excuses.
  - Hazing (as referred to in accordance with Board Policy 7553).
  - Theft or stealing.
  - Lying to school personnel.
  - Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals, which harm the reputation of the person or the identifiable group by demeaning them.
  - Discrimination, which includes the uses of actual or perceived race, color, ethnic group, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability, to treat another in a negative manner.
- Engaging in harassing or bullying conduct through verbal or non-verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional 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 physical injury to a student or to cause a student to fear for his or her physical safety. Such conduct includes acts of harassment or bullying that occur on school property; at a school function; or off school property where the 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. Engaging in conduct that is violent, as is further defined and set forth in this Code of Conduct and Education Law §3214.

- Violent conduct may be deemed to include engaging in harassing or bullying conduct through verbal or non-verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional 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 physical injury to a student or to cause a student to fear for his or her physical safety. Such conduct includes acts of harassment or bullying that occur on school property; at a school function; or off school property where the 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.
- Engaging in any form of academic misconduct. Examples of academic misconduct includes:
  - Plagiarism
  - Cheating
  - Copying
  - Altering or forging academic records

### **Violent and Disruptive Incident Reporting (VADIR-07)**

The school district shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, in accordance with Education Law §2802.

Incident Categories:

**Homicide:** Any conduct that results in the death of another person.

**Sexual Offenses:**

- **Forcible Sexual Offenses:** Forcible Sexual Offenses of any kind where the use of compulsion, force, expressed or implied threats are made which places a person in fear.
- **Other Sexual Offenses:** All other sexual offenses involving inappropriate sexual contact even though no force, threat or compulsion is used. Other sexual offenses includes, but is not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age.

**Inappropriate sexual contact but no forcible compulsion includes, but is not limited to:**

- Touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc.
- Removing a student's clothing to reveal underwear or private body parts.
- Brushing or rubbing against another person in a sexual or provocative manner.
- A student first rubbing their own genitalia and then touching another person's body.

**Robbery:** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.

**Assault with Serious Physical Injury:** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district Code of Conduct. Pursuant to Penal Law § 10.00 (10), "serious physical injury" means physical injury, which creates a substantial risk of death, serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

**Arson:** Deliberately starting a fire with intent to damage or destroy property by using matches, lighters or other devices capable of producing sufficient heat (i.e., magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.

**Kidnapping:** To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with or without a weapon.

**Assault with Physical Injury:** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district Code of Conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches and swelling. Substantial pain includes, but is not limited to, severe headaches, joint or muscle pain.

**Reckless Endangerment:** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:

- Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

- Incidents involving a person choking another individual including, but not limited to, incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.
- Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.
- Driving a car erratically and recklessly in a school parking lot while other student(s), staff or individuals are present.

**Minor Altercations:** Involving physical contact and no physical injury:

- Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.

**Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact:**

- Threatening, stalking, or seeking to coerce or compel a person to do something;
- Intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability, real or perceived, which substantially disrupts the educational process.

**Burglary:** Entering or remaining unlawfully on school property with intent to commit a crime.

**Criminal Mischief:** Intentional or reckless damage to the property of the school or of another person including, but not limited to, vandalism and the defacing of property with graffiti.

**Larceny or Other Theft Offenses:** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.

**Bomb Threat:** A telephoned, written or electronic message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.

**False Alarm:** Falsely activating a fire alarm or other disaster alarm.

**Riot:** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby, intentionally or recklessly, causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.

**Weapons Possession Only:** Possession of one or more of the weapons listed previously in this Code of Conduct, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

**Use, Possession, or Sale of Drugs Only:** Illegally using or possessing a controlled substance, such as marijuana, on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance, such as marijuana, on school property; finding a controlled substance, such as marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

**Use, Possession, or Sale of Alcohol Only:** Using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

**Hazing Policy (in accordance with Board Policy 7553):**

**Subject: HAZING OF STUDENTS**

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in “hazing” behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing – along with the range of possible intervention activities and/or sanctions for such misconduct – to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term *“hazing” among students is defined as any humiliating or dangerous activity expected or inflicted upon a student to join or remain in a group, regardless of their willingness to participate.* Hazing behaviors include, but are not limited to, the following general categories:

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

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated “willingly” in the activity, or there was no “intent” by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity of such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the “willingness” of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

### **Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquires and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

### **Knowingly Makes False Accusations**

Students who knowingly make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

### **District Responsibility/Training**

Personnel at all levels are responsible for responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and tier parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriated to staff, students and parents. Disciplinary sanctions for violations of this policy shall be outline in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

## **VII. Reporting Violations**

All students are expected to promptly report violations of the District's Code of Conduct to a teacher, school personnel, 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 or the building principal, the principal's designee, superintendent or other responsible adult.

All district staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff not authorized to impose disciplinary sanctions are expected to promptly report violations of the District's Code of Conduct to their supervisor. The Supervisor 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.

Any violent and disruptive incidents (VADIR) are reportable to the New York State Education Department according to their guidelines.

## **Reporting Incidents of Discrimination, Harassment and Bullying**

Any student who has observed a student being harassed, bullied and/or discriminated against by another student or staff member shall report this information, either verbally or in writing, immediately to a teacher, principal, principal's designee, Superintendent, or the Dignity Act Coordinator.

In addition, any victim or person with knowledge of discrimination, harassment, hazing, and/or bullying by a student, District employee or third party related to the School, should report the complaint to the Principal or his/her designee, as soon as possible after the incident so that it may be effectively investigated and resolved. Any student

observing a student being harassed or discriminated against by another student or a staff member shall report this information immediately to a teacher, the Principal, the Principal's designee, the Superintendent of Schools or the Dignity Act Coordinator.

Staff who know or reasonably should know of possible bullying, harassment and/or discrimination must take immediate and appropriate action to report the incident to the Principal, the Principal's designee, the Superintendent of schools or the Dignity Act Coordinator. Following the report, the District shall investigate or otherwise determine what occurred and should take prompt and effective steps reasonably calculated to end the harassment or discrimination, eliminate any hostile environment and prevent the conduct from reoccurring.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts shall report the incident orally within one school day to the principal, their designee, or the superintendent or the Dignity Act Coordinator. Following an oral report, a written report of acts of harassment, bullying and/or discrimination shall be filed within two school days. The 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, intimidation and/or discrimination, the superintendent, principal or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to provisions in Section 100.2(1)(2)(ii)(h) 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.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

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

### **Confidentiality**

The District respects the privacy of all parties and witnesses to complaints of harassment, hazing, and/or bullying. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to

complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students or employees.

### **Remedial Consequences**

Upon the completion of the District's review of complaints of discrimination, harassment, hazing and/or bullying of a student, should the District find that problematic behavior occurred, or that a climate exists that foster such problematic behavior, the District will take remedial action designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. The District will attempt to develop and employ remedial measures that are measured, balanced, progressive, and age-appropriate. Appropriate remedial measures may include, but are not limited to:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with a the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, which is intended to provoke thought and analysis about the misbehavior, the impact on others, and how the student might be able to address the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving parents/guardians in discipline issues;
- restitution and restoration;
- changes in class schedule or adjustment of space (for the offending student);
- have the offending student make an act of contrition; and
- Disciplinary action as discussed below.

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

### **Guidelines for Staff in Implementing Discipline Code Policies Effectively**

When a serious class disruption or other incident occurs, the teacher's responsibility is to assure the continuity of instruction by instructing the disruptive student(s) to report immediately to the main office. The procedure for discipline referrals which is detailed later in this section is to be followed without exception. Early and ongoing communication between the teacher and parent is essential. Student consequences will be in line with school policies, but remain the discretion of the administration.

It is expected that minor discipline incidents or class disruptions, will be handled by the individual teacher in an appropriate manner using reprimands, private conferences with the student, and, failing to succeed with those measures, initiating contact with the student's parents by telephone or appropriate written communication.

Students are not to be sent to the office or removed from class because they do not have a pencil, pen, textbook, notebook, or if they have not turned in an assignment.

When a teacher sends a student to the office, the following will occur:

- The teacher will direct the student to report immediately to the office. Prior to the student leaving the room, the office will be notified by the teacher via telephone or intercom system. The teacher will file a disciplinary referral with the main office as soon as possible and no later than the end of the day, when appropriate. The written referral must include the interventions utilized by the teacher prior to administrative review.
- The administration will deal with the situation in an appropriate manner and will notate the referral form to indicate the disposition of the case.
- A copy of the teacher/principal report of unacceptable behavior will be returned to the classroom teacher indicating the action taken by the administration.

In the event a student is referred by a teacher or other staff member for an incident which took place other than in a classroom, the referring teacher or staff member shall communicate to the main office in a timely manner to report the incident. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to 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. As a general rule, discipline will be progressive. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age;
- The nature of the offense and the circumstances which led to the offense;
- The student's prior disciplinary record;
- The effectiveness of other forms of discipline;

- Information from parents, teachers and/or others, as appropriate, and
- Other extenuating circumstances.

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 the District's 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.

**Penalties:** Students who are found to have violated the District Code of Conduct may be subject to the following penalties, either alone or in combination. The list of offenses is by no means all-inclusive. For those situations that arise and are not listed, the administration will have the complete authority to deal with the problems as deemed necessary. Violations beyond the number of instances stated will result in further, more severe disciplinary action. The administration also reserves the right to amend the penalties for any offenses based on review of the circumstances. The District's Code of Conduct schedule of responses outlined here are advisory only.

- Oral warnings may be used as a consequence of student's violations of the District's Code of Conduct;
- Written notification to the parent;
- Classroom, lunch and or school detention;
- Suspension from transportation;
- Suspension from athletic transportation;
- Suspension from social or extracurricular activities;
- Suspension from other privileges;
- In school suspension;
- Removal from classroom;
- Short term (five days or less) suspension from school, and
- Long term (more than five days) suspension from school procedures.

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. 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.

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 to promote a healthy, safe and positive school climate.

**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 attention of Administration. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or his or her designee. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension in excess of five days from attendance, the district will make arrangements to conduct a superintendent's hearing.

- A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference via phone with the building principal or the principal's designee to discuss the conduct and the penalty involved.

**Suspension from athletic participation and extra curricular activities:**

- Privileges: A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges 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 via phone with the district official imposing the suspension to discuss the conduct and the penalty involved.

### **10<sup>th</sup> Period Detention**

- Detention will take place from 2:18 to 3:00 p.m. Students are to receive remedial help from the intervention counselor during tenth period detention.
- Failure to report to tenth period detention will result in two assignments of detention for every one detention missed.
- In tenth period detention, students will not:
  - Talk to other students;
  - Put his/her head on desk;
  - Draw or scribble;
  - Pass notes to other students;
  - Otherwise violate the rules established for tenth period detention;
  - Use electronic devices.

### **Extended Detention**

The purpose of extended detention is to provide students a place to serve out a disciplinary action without disturbing others. Extended detention is a serious step. Guidelines are as follows:

- Extended detention will take place from 2:18 to 5:00 p.m. Transportation needs to be provided by students and/or parents.
- Failure to attend extended detention will result in two additional detentions for every one missed.
- Students who fail to meet the expectations of the intervention aide and/or building administration for extended detention will be given additional days of extended detention.

In the event of a code violation that warrants a tenth period detention or extended detention, the student's parent/guardian will be contacted.

**In-school suspension:** The Board of Education 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 of Education 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."

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 via phone with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

**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 sound 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 a short-term "time out" period or sending a student to a counselor or other appropriate staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

A classroom teacher may remove a disruptive student from class for the period in which the infraction or the violation of the classroom rules occurred. For purposes of this code, a disruptive student is a student who is substantially disruptive to 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.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher 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 building established disciplinary referral 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 form. 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 teacher must notify the student's parents that the student has been removed from class and why. The parent will be informed that he or she has the right, upon request, to meet informally with the principal or the principal's designee and the teacher to discuss the reasons for the removal. The teacher who ordered the removal must attend the informal conference.

If at the informal meeting the student denies the charges, the teacher 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 or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- 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 or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal 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.

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 he or she 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 or federal regulation.

## **Suspension**

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

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

### **Short-term (5 days or less) suspension from school**

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the 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. When 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 via phone 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 poses such a danger or threat of disruption, the notice and opportunity for an informal conference via phone shall take place as soon as is reasonably practicable after the suspension.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. 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 within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within ten business days of the date of the superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

### **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 against him or her, 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. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. 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 of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the district clerk within ten business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education may adopt in whole or in part the decision of the superintendent. Final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

#### **Minimum Periods of Suspension**

- Students found guilty of bringing a weapon to school or of bringing a weapon onto school property other than a student with a disability will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:
  - The student's age;
  - The student's grade 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, and
  - 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, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for 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. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to

modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher’s authority over the classroom**

- Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, will be suspended from school for 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. 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. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**Referrals**

As students are referred to the office, the following support service may be initiated through administrative, parental or Instructional Support Team request.

- Counseling and/or Support Services, as indicated by the principal and/or Instructional Support Team (IST). Students found guilty of harassment or discrimination may be referred for counseling.
- 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 who 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. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
- 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.
  - Any student under the age of 16 who is found to have brought a weapon to school, and
  - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42).

- The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. A plan for instruction must be provided by the teacher removing the student from class. Removal for suspension will be immediately followed by arrangements for home tutoring.

### **X. Discipline of Students with Disabilities**

Students with disabilities are expected to follow the disciplinary code of conduct at Schuylerville Central School, and are subject to disciplinary action as stated for ALL students. However, pertinent to Individuals with Disabilities Education Act (IDEA) and regulations of the commissioner of education Part 201, if a student with a disability violates the school code of conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e., removal for more than 10 consecutive days or a series of removals that in the aggregate total more than 10 school days) a manifestation hearing conducted must be made.

The parent must receive written notification before any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification must inform the parent of:

- The purpose of the meeting;
- The names of the individuals expected to attend; and
- His/her rights to have relevant members of the Committee on Special Education (CSE) participate at the parent's request.

The manifestation team must review all relevant information that pertains to the conduct in question as well as information in the student's file including:

- The student's Individualized Education Plan (IEP);
- Any teacher observations; and
- Any relevant information provided by the parents.

Upon review of the above information, the manifestation team must determine:

- If the conduct in question was caused by or had a direct and substantial relationship to the student's disability;
- If the conduct in question was the direct result of the school's failure to implement the IEP.

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school district's failure to implement the IEP, the CSE must

conduct a Functional Behavior Assessment (FBA) and implement a behavior intervention plan for the student; and, except for the removal for drugs, weapons, or serious bodily injury pursuant to section 201.7 of the Regulations of the Commissioner, the student must be returned to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan or recommendation to the CSE.

A student with a disability may be removed to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons and serious bodily injury for up to 45 school days regardless of the manifestation determination.

A student with a disability who has been suspended or removed for a period of 10 consecutive school days, or a series of removals that in the aggregate total more than 10 school days in a school year, must be provided with educational services in an IAES, as determined by the CSE. This IAES must enable the student to:

- Continue to participate in the general education curriculum;
- Progress toward meeting the goals set out in the student's IEP; and
- Receive, as appropriate, a FBA, behavior intervention services and modifications that are designed to address the behavior violation to assist in prevention of reoccurring.

If a parent requests an impartial hearing or an appeal regarding the change in placement for his or her child to an IAES or the manifestation determination, the student must remain in his or her IAES pending the decision of the independent hearing officer or until expiration of the time period of the removal, whichever occurs first, unless the parents and the school district agree otherwise.

If the manifestation team determines that the specific behavior has no relation to the disability, the school discipline code will be followed.

### **Referral to Law Enforcement and Judicial Authorities**

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

- 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.
- The superintendent shall ensure that copies of the disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom 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:

- Protect oneself, another student, teacher or any person from physical injury;
- Protect the property of the school or others;
- 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 building crisis intervention plan will be implemented to assist.

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

## **XII. Transportation**

- **Mission Statement:** To provide safe student transportation, support district programs and maintain conditions on the buses that are conducive to the best interests of the students.
- **Rationale:** The school bus is considered an extension of the school; therefore, the safety and welfare of all pupils riding school buses is a major responsibility of the school district. Bus discipline, in order to be effective, must be a cooperative effort involving the transportation department, administrators, parents and pupils.
- **Roles and Responsibilities:** Transportation personnel will receive orientation on a regularly scheduled basis regarding general discipline, pupil behavior, pupil rights, bus rules and disciplinary procedures.
  - Bus drivers, teachers and administrators will be responsible for orienting pupils on a regularly scheduled basis regarding bus behavior.
  - Pupils will be under the authority and supervision of the bus driver while on the bus and will be expected to adhere to directions at all times.
  - Bus rules and regulations will be published and distributed to parents, pupils and bus drivers, and they will be posted on every bus.
  - Pupils who are disorderly and insubordinate will be subject to disciplinary action.
  - Disciplinary action for misbehavior on buses will be the responsibility of building administrators.
  - Disciplinary action will be reasonable and administered in a progressive manner with pupil's rights to due process guaranteed.
  - The principal or designee will be responsible for notifying parents of disciplinary actions resulting from bus referrals in order to obtain their support and cooperation.

## **Bus Rules and Discipline**

- Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior in accordance with the Code of Conduct.
- In addition, the following rules will be required of every student riding the

school bus:

- Follow the direction of the driver.
- Stay in your seat.
- Treat others respectfully.
- Keep all body parts and objects to yourself and inside the bus seating area.
- No eating or drinking on the bus.
- No tobacco products, illegal substances or hazardous materials on the bus.
- Upon receipt of a written referral, the principal or designee will conduct a pupil conference.
- If a pupil denies the allegations against him/her, the principal or designee will conduct an investigation into the matter.
- A conference with the building principal or designee and the parent may be scheduled for chronic bus discipline infractions to develop an intervention plan for the student.
- The district reserves the right to assign student seating on school buses for safety, efficiency or disciplinary reasons.

### **Bus Suspension Guidelines**

- If the “Minimum Period of Suspension” section of the District Code of Conduct covers the rule violation, the length of suspension is stated in that document.
- If the violation involved insubordination to district employees, the student being referred will face at least two days of bus suspension (examples include, but are not limited to, failing to comply with the reasonable directions of district employees and/or demonstrating disrespect).
- If the rule violation endangered the safety, morals, health or welfare of others, besides that described in the violent conduct section of the District Code of Conduct, at least two days of bus suspension is awarded (examples include, but are not limited to, throwing/shooting items, spitting, lying, stealing).
- If the rule violation was a threat, other than described in the violent conduct section of the District Code of Conduct, at least three days of bus suspension is awarded (examples include, but are not limited to, informing someone you will beat, hit, kick, or hurt someone).
- If the rule violation is not covered by the above, then the length of bus suspension is based on the number of referrals the student has received during the present school year.

### **Typical Referral Sequence**

- 3 referrals or less – warning/preferential seating.
- 4th referral - 2 days bus suspension.
- 5th referral - 3 days bus suspension.
- Add one day each successive referral up to maximum five days bus suspension.
- Requests for long-term suspensions (more than five days) will require a transportation hearing conducted by the superintendent or his designee.
- A copy of the bus discipline referral, along with a bus disciplinary letter, will be sent home after each referral to explain the situation, outline the consequences, and ask for parent/guardian support.

### **XIII. Student Searches and Interrogation of Students**

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.

In addition, the Board of Education authorizes the superintendent, building principals, and the school nurse to conduct searches of students, their vehicles 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.

Students are reminded that lockers remain the exclusive property of the school and that students have no expectation of privacy with respect to their lockers. To ensure student health and safety, the school reserves the right to inspect locker contents. This inspection may include, but is not limited to, locker clean-out days, the use of trained drug dogs and individual locker examinations.

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, as long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student, their vehicle 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, they make an admission against their own interest, 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. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student, their vehicle or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

### **Student Lockers, Desks and Other School Storage Places**

The rules in this District 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.

### **Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search as part of the record of the investigation:

- Name, age and grade of student searched;
- Reasons for the search;
- Name of any informant(s)
- Purpose of search (that is, what item(s) were being sought);
- Type and scope of search;
- Person conducting search and his or her title and position;
- Witnesses, if any, to the search;
- Time and location of search;
- Results of search (that is, what item(s) were found);
- Disposition of items found; and
- Time, manner and results of parental notification.

The building principal or designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) are turned over to the police. This principal or designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **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. 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;
- Probable cause to believe a crime has been committed on school property or at a school function; or
- Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or 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:

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

### **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 the building principal or designee. The principal or designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student will 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 or abuse, the worker may remove the student without a court order and without the parent's consent.

### **XIV. Visitors to School**

The Board of Education 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 designated office upon arrival at the school. 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 and sign out at the designated 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.
- Parents or citizens who wish to visit a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building principal, so that class disruption is kept to a minimum.
- Visitors are expected not to take class time to discuss individual matters with teachers.
- Any unauthorized person on school property will be reported to the principals 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 the District Code of Conduct.
- No students will be removed from school unless they are signed out in the office as per school procedures.
- Any visitor must get administrative permission to meet with a student during the school day or at school sponsored events.

#### **XV. 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.

#### **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 that violate this District Code of Conduct as presented in the student dress code section.
- Intimidate, harass or discriminate against any person on the basis or race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises or remain in any building or facility without authorization.
- 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 as specifically authorized by the school district.
- Loiter on 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.
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, ethnic group, national origin, weight, religion or religious practice, gender or sex, gender expression and identity, sexual orientation or disability.
- Violate any federal or state statute, local ordinance or Board of Education policy while on school property or while at the school functions.
- Use tobacco or tobacco products on school property or during school functions.
- Use offensive or obscene language while on school grounds or attending school functions.

### **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 functions (on or off schools grounds) shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest.
- **Students:** They shall be subject to disciplinary action as the facts may warrant, in accordance with the District Code of Conduct.
- **Tenured Faculty Members:** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020 or any other legal rights that they may have.
- **Staff Members in the Classified Service of the Civil Service** entitled to the protection of Civil Service Law §75: They shall be subject to immediate

- ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- Staff Members other than those described above shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **Enforcement**

The building principal and all staff members are responsible for enforcing the District Code of Conduct.

When the building principal or any other staff member 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 or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **XVI. Dissemination of Code of Conduct**

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

- Providing copies of a summary of the District Code of Conduct to all students at the beginning of each school year.
- Making copies of the District Code of Conduct available upon request in the designated offices at the beginning of the school year.
- Making a summary of the District Code of Conduct written in plain language to all parents of district students before the beginning of the school year on the district website.
- Providing all current teachers and other staff members with a copy of the District Code of Conduct 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 District Code of Conduct when they are first hired.
- Making copies of the District Code of Conduct available for review by students, parents and other community members.

### **XVII. Review of Code of Conduct**

The Board of Education will review the District Code of Conduct every year and update it as necessary. In conducting the review, the Board of Education will consider how

effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board of Education may appoint an advisory committee to assist in reviewing the code and the district's response to District Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, parent organization, school safety personnel and other school personnel.

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

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

### **XVIII. Programs and/or Policies that Reinforce Students Positive Behavior**

Schuylerville Central School District is proud of its history of educational excellence. Our students value lifelong learning in an environment that fosters the positive development of responsible, productive members of society. Students have an opportunity to engage in a wide variety of programs, including enrichment programs, Arts-In-Education programs, before and after school extracurricular activities, athletics, advanced placement classes, multi-year science research courses, distant learning classes, college credit-bearing courses, high-tech classes in both engineering and agriculture as well as an opportunity to take part in a variety of hands-on career experiences. In addition, school personnel work collaboratively with students to reinforce positive behaviors through various acknowledgement incentives concurrent with the student code of conduct, for example: Awards Night, Student of the Quarter, High Honor Roll, Honor Roll, Merit Roll and High Five.