

# **DRAFT**



## **City School District**

# **Code of Conduct**

## **2024-2025**

The Code of Conduct was made available for public comment at least 30 days prior to adoption by the Board of Education. The 30-day comment period will begin on: July 25, 2024 and end on August 21, 2024.

# COHOES CITY SCHOOL DISTRICT CODE OF CONDUCT 2023-2024

## I. Introduction

The Cohoes City School District's Board of Education ("Board") is committed to providing a safe and orderly school environment where students **will** receive and district personnel **will** deliver quality educational services without disruption or interference. The school district is committed to:

- ensuring each student is healthy, safe, engaged, supported and challenged
- helping students develop self-discipline and social emotional growth
- guiding students in improvements and corrections of inappropriate unacceptable and unsafe behaviors

Responsible behavior by students, teachers, other district personnel, parents and other visitors is expected as it is essential to achieving this goal. For this to happen, everyone in the school community must demonstrate and offer respect to others

With the recognition that all children make mistakes and that this is a part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

The district has a long-standing set of expectations for conduct on school property and at school functions on and off school premises. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible developmentally appropriate, graduated consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered fairly and promptly, keeping in mind the goal is to teach students there are consequences to actions and choices. To this end, the Board adopts this code of conduct ("code") which is based upon education laws, regulations and Board policies.

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

## II. Definitions

For purposes of this code, the following definitions apply

"Behavior" is the way in which one acts or conduct oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct

"Cyberbullying" means harassment or bullying as defined in subdivision "H" of this section where such harassment or bullying occurs through any form of electronic communication

"Counselor" or "Counseling Staff" includes but is not limited to: school counselor, psychologist, or social worker.

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

“Disruptive student” means a student under the age of 21 who is substantially disruptive to the educational process or substantially interferes with the teacher’s authority over the classroom.

“Electronic Device” includes but is not limited to: laptops/Chromebooks, cell phones, cameras, pagers/beepers, radios, iPods, iPads, tablets, MP3 players and CD players.

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

“Gender” means actual or perceived sex and includes a persons’ gender identity or expression.

“Hostile Environment” in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Emotional Harm” in the context of harassment and bullying refers to harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or 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 related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term will include a verified incident or series of related incidents of harassment or bullying that occurs off school property, meets the definition of subpart M of this section, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.

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

“Protective Hairstyles” includes, but is not limited to, hairstyles such as braids, locks, and twists, as defined in Education Law §11(10).

“Race” means any traits which are historically associated with race, including but not limited to hair texture and protective hairstyles, as defined in Education Law §11(9).

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

"School function" means any school-sponsored extracurricular event or activity on or off school property as defined in Education Law §11(2).

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, and Education Law §11(1).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality or bisexuality”.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.

3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function—what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon, even if the weapon is not in the student's possession.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, ammunition, imitation ammunition or exploding substances, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

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

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, creed, national origin, ethnic group, religion, religious practice, disability, weight, gender, including gender identity and expression or sexual orientation.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. Present their version of the relevant events to school personnel authorized to impose a consequence.
4. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
5. To be protected from intimidation, harassment, bullying and/or discrimination based on actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, including gender identity and expression, or sexual orientation, by employees, students, and visitors on school property or at a school sponsored event, function or activity.

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

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. To express one's opinions as long as it is done in a respectful and non-disruptive manner.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful and positive manner.
7. To be truthful when speaking with school officials regarding reporting violations
8. Respect personal space
9. Work to develop skills to manage their emotions and reactions and resolve conflict with others
10. Ask questions when they do not understand.
11. Seek help in solving problems.

12. Dress appropriately for school and school functions.
13. Accept responsibility for their actions.
14. 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.
15. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act to help make the school an environment free from violence, intimidation, harassment bullying and/or discrimination.

## **IV. Essential Partners**

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the Cohoes City School District-community and collaborate with the district to optimize their child's educational opportunities
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time **and notify the school of any absences.**
4. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know school rules and help their children understand them so that their children can help create a safe, supportive, respectful learning environment.
7. Convey to their children a supportive attitude toward education and the district.
8. Build positive relationships with teachers, other parents and their children's friends.
9. Tell school officials about any concerns or complaints in a respectful and timely manner.
10. Help their children deal effectively with peer pressure.
11. Ensure homework assignments are completed.
12. Be respectful and courteous to staff, other parents/guardians and students
13. Teach their children respect and dignity for themselves and for other students.

### **B. Teachers and Other Instructional Staff**

All district teachers and other instructional staff are expected to:

1. Maintain a climate of mutual respect and dignity, for all students, faculty and staff regardless of actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender including gender identity and expression or sex, which will strengthen students' self-confidence and promote learning.
2. Be prepared to teach.
3. Demonstrate an interest in teaching and concern for student achievement.
4. Know school policies and rules; enforce them in a fair, timely, and consistent manner.
5. Maintain confidentiality in conformity with state and federal law.
6. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) by reporting orally within one (1) school day any such incident and by filing a written report with the designated official within two (2) school days following the oral report.
9. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom management plan
10. Communicate regularly with students, parents and other teachers concerning growth and achievement.

11. Promote a trauma responsive approach to addressing student behavior

### **C. Counseling Staff**

All counseling staff are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Maintain confidentiality in accordance with federal and state law.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender including gender identity and expression or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) by reporting orally of any such conduct witnessed or reported to the designated school official within one (1) school day and by filing a written report with the designated official within two (2) school days following the oral report.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
10. Promote a trauma responsive approach to addressing student behavior

### **D. Principals and Supervisory Personnel**

All principals and supervisory personnel are expected to:

1. Promote a safe, orderly and respectful school environment, supporting active teaching and learning for all students regardless of actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender including gender identity and expression or sex
2. Be responsible for distributing and enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly
3. Evaluate the program of instruction in their school to achieve a meaningful educational program.
4. Help their staff self-evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
5. Develop procedures which reduce the likelihood of student misconduct; the authority to administer tests on suspicious substances, administer breath tests on students and to use metal detection devices if a reasonable suspicion exists that a student possesses or is under the influence of drugs, alcohol, or is in possession of a weapon.
6. Provide the opportunity and encouragement for students and staff to communicate regularly with the principal and other appropriate administrators and have access to directly for redress of grievances.
7. Work with students and staff to formulate regulations related to each school.
8. Assist staff members to resolve any school related problems which may occur.
9. Work closely with parents to establish a cooperative relationship between home and school.
10. Utilize all appropriate support staff and community agencies as resources to help parents and students identify problems and seek solutions.
11. Establish necessary building security.
12. Ensure fairness, reasonableness and consistency.
13. Comply with pertinent state laws governing hearings, suspensions and student rights;
14. Demonstrate desirable standards of behavior through personal example.
15. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, national origin, ethnic group, religion and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

16. Lead or supervise the thorough investigation of all reports of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the Principal or supervisory personnel's attention in collaboration with the Dignity Act Coordinator (DAC) or other district designee and ensure that the investigation is completed promptly after receipt of any written or oral report of such conduct.
17. Take prompt actions which are reasonably calculated to end harassment, bullying and/or discrimination and promote student safety
18. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
19. Promote a trauma responsive approach to addressing student behavior.
20. Maintain confidentiality in accordance with federal and state law.

### **E. Dignity Act Coordinator**

The Dignity Act Coordinators are as follows:

Abram Lansing: Principal Cliff Bird 518-237-5044  
 Harmony Hill: Principal Mark Perry 518-233-1900  
 Van Schaick: Principal Jacqueline DeChiaro 518-237-2828  
 Cohoes Middle: Assistant Principal Deanna Kelly 518-237-4131  
 Cohoes High School: Assistant Principal Heather Bradt 518-237-9100

The duties of the Dignity Act Coordinator are as follows:

1. Promote a safe, orderly and respectful school environment, supporting active teaching and learning for all students regardless of actual or perceived race, (including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex
2. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function in accordance with DASA policies and procedures.
3. Coordinate harassment and bullying prevention activities
4. Maintain confidentiality in accordance with federal and state law.
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
6. Promote a trauma responsive approach to addressing student behavior.

### **Superintendent and District Administration**

1. Take necessary steps to develop, publicize and carry out the rules and regulations for students.
2. Consider and act upon recommendations for suspensions in keeping with the Board of Education policy.
3. Review with the principals and other supervisory personnel the policies of the Board of Education and State Laws relating to discipline.
4. Listen and consider the views of the total school community.
5. Inform the Board of Education of educational trends relating to discipline.
6. Provide for the development of innovative educational programs which will help to minimize behavioral incidents.
7. Make themselves available to administrators, teachers and other staff to advise them on serious discipline matters and support them so long as the latter have acted in accordance with the discipline policies of the District and the laws of the State of New York.
8. Promote a safe, orderly, respectful and positive school environment, free from intimidation, harassment, bullying and/or discrimination.
9. Be informed of the investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigations are completed promptly after receipt of any written reports.

- a. Take prompt actions which are reasonably calculated to end harassment, bullying and/or discrimination; try to eliminate any hostile environment and to try to create a more positive school culture and climate.
  - b. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
10. Maintain confidentiality in accordance with federal and state law.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
12. Promote a trauma responsive approach to addressing student behavior.

### **Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator (DAC) in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in areas of actual or perceived race, (including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists), color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act. In the event that a Dignity Act Coordinator vacates their position, designate another eligible employee to immediately act as an interim appointed Coordinator, pending approval of a successor Coordinator by the Board within thirty (30) days of the date that the position was vacated. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another eligible employee will be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to their duties as the DAC
4. Designate the school employee(s) charged with receiving reports of harassment, bullying and/or discrimination.
5. Authorize annual reporting of verified material incidents of harassment, bullying and/or discrimination to the Commissioner of Education.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Maintain confidentiality in accordance with federal and state law.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Promote a trauma responsive approach to addressing student behavior.

### **V. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence, intimidation, bullying, harassment and discrimination.

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 mistakes or misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so they may learn from their behavior and grow in self-discipline

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

It is important to remember that the conduct and disciplinary actions outlined below are not all-inclusive and individual situations may differ and result in differing disciplinary consequences

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

- A. **Engage in conduct that is disorderly.** Examples of this type of behavior include, but are not limited to:



1. Running or otherwise unsafe behavior in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act, which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted in any school building other than the one they regularly attend, before, during, or after school, without permission from the administrator in charge of the building.
  7. Computer/electronic communications misuse, including any unauthorized use of computers, Chromebooks, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy, including the use of such devices for purposes of cyber bullying.
- B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time.** Examples of this type of insubordinate behavior include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating belligerence or disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
  4. Failing to comply or fulfill consequences set forth by a teacher or an administrator.
- C. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive.** Examples of this type of behavior include but are not limited to:
1. Inappropriate public sexual conduct.
  2. Display or use of personal electronic devices, such as but not limited to mobile phones, tablets, music or video players or cameras, handheld gaming devices, audio and/or video recording devices in a manner that is in violation of district policy.
- D. Engage in conduct that is violent.** Examples of violent behavior include but are not limited to:
1. Threatening, attempting, or committing an act of violence (such as hitting, kicking, punching, spitting, and scratching) upon a teacher, administrator or other school employee, other student or any person lawfully on school property.
  2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Threatening to use any weapon, even if the weapon is not in the student's possession.
  5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  6. Intentionally damaging or destroying school district property.
  7. Engaging in harassment or bullying through verbal or nonverbal 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.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others.** Examples of this type of behavior includes, but is not limited to:
1. Attempting to engage in or perform an act of violence as noted in Section D.
  2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury
  3. Knowingly making false statements or knowingly submitting false information to school staff during disciplinary processes.

4. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
5. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
6. Discrimination, which includes using race including traits historically associated with race, such as hair texture and protective hairstyles like braid, locks and twists color, creed, national origin, ethnic group, religion, religious practice, gender identity and expression, sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others
7. Harassment or bullying is the creation of a hostile environment through verbal or nonverbal 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.
8. Intimidation or bullying. Threatening, stalking or seeking to coerce or compel a person to do something; engaging in nonverbal, verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, (including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists), ethnicity, national origin, religion, religious practices, gender, gender identity and expression, sexual orientation, age or disability that substantially disrupts the educational process or would have the effect of unreasonably and substantially intervening with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being. Intimidation, cyberbullying, and bullying are forms of harassment.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Selling, using, distributing or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Possessing or smoking a cigarette, cigar, pipe, electronic smoking device (i.e. vape, e-cigarette, juul, vape juice), bidi, clove cigarette, and any other smoking product; as well as chewing or smokeless tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form or smoking/vaping, ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp
13. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages, illegal substances, or drug paraphernalia or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, cocaine, LSD, PCP, amphetamines, fentanyl, heroin, steroids, look-alike drugs, and any synthetic version thereof commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
14. Inappropriately using or sharing prescription and over-the-counter drugs.
15. Gambling
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
18. Extortion

**F. Engage in misbehaviors otherwise prohibited by sections A-E of this code while on a school transportation and to remain seated, keep objects and body parts inside the vehicle and obey directions from the driver and monitor.**

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

**G. Engage in any form of academic misconduct.** Examples of academic misconduct include but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Violation of the District's Acceptable Use Policy for technology.
7. Forgery.

H. **Engage in off campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function.** Such behavior includes threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

## VI. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hairstyle/color, jewelry, makeup, and nails, must:

- A. Be unlikely to injure people or damage property, appropriate according to this code, and not substantially disrupt or materially interfere with the educational process.
- B. Recognize that garments which excessively expose the body are not appropriate.
- C. Ensure that undergarments are completely covered.
- D. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- E. Not cover the student's face to the extent the student is not identifiable, except for a medical or religious purpose.
- F. Not include items that are vulgar, obscene, libelous, or denigrate, harass or discriminate others on account of actual or perceived race, including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists, color, weight, religion or religious practice, disability, creed, national origin, ethnic group, gender including gender identity and expression, sex, or sexual orientation,
- G. Not promote and/or endorse the use of alcohol, tobacco or controlled substance or illegal drugs and/or encourage other illegal or violent activities. This includes prohibition on gang symbols, signs, colors, or other related apparel.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup or nail color or styles or discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race such as hair texture and protective hairstyles such as braids, locks and twists or to discipline them for doing so.

Each Building Principal or their designee will 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.

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming them and to minimize loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students privately, determining if there are factors impacting the students' ability to meet the dress code and help address these issues. Students who violate the student dress code are required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so

will 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 will be subject to further discipline, up to and including out of school suspension.

## **VII. Dignity Act for All Students**

In accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and strictly prohibits all forms of discrimination, harassment and/or bullying of any student, by employees or students, that creates a hostile school environment by conduct or by threats, intimidation or abuse, including cyberbullying. Such prohibited conduct will include, but is not limited to acts based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like locks, braids and twists), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity and expression) as defined in Education Law §11(6), or sex; provided that nothing in this subdivision will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 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.

In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

"Harassment" under the Dignity Act means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, (including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex.

"Bullying" in this policy (which is subsumed under the term "harassment") means a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group.

Bullying often includes the following characteristics:

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

There are at least three kinds of bullying: verbal, physical and social/relational.

1. Verbal bullying may include such things as name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting gossip, spreading rumors, racist slurs, threatening electronic communications (Cyber bullying), anonymous notes, etc.
2. Physical bullying may include such things as poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
3. Social or relational bullying may include such things as excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, etc.

### **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, will have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victim, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

### **VIII. Reporting DASA Violations**

Any student or employee who observes a student being harassed, bullied and/or discriminated against by another student or a staff member will promptly report this information to a teacher, the Principal, the Principal's designee, the Superintendent of Schools or the Dignity Act Coordinator.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts will report the incident orally within one (1) 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 will be filed within two (2) 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 promptly completed 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, which is 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, conducts or participates in the investigation of incidents of harassment, bullying and/or discrimination is prohibited. Any district staff who is authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who will 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.

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

It is District policy to respect the privacy of all parties and witnesses to 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 desire for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/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 their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. The request may limit the District's ability to respond to their complaint;
2. District policy and federal law prohibit retaliation against complainants and 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 bullying and preventing bullying of other students.

## Investigation and Resolution Procedure

### A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received by a staff member, whether verbal or written, it should be reported to the principal or their designee within one (1) school day of receiving or witnessing the incident; within two (2) school days of verbally reporting the incident, the staff member must file a written report with the principal or their designee. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator (DAC) will make all reasonable efforts to resolve complaints at the school level. The goal of the investigative process is to promptly address incidents of harassment, bullying and/or discrimination, and to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three school days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator (DAC) will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target (Victim (s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
  - A "permanent" hall pass that allows the student to visit a designated adult at any time;
  - Access to private bathroom facilities;
  - Access to private locker room facilities;
  - An escort during passing periods;
  - A "stay away" agreement with the aggressor/harasser;
  - Reviewing and adjusting schedules to avoid interaction between the target and the alleged aggressor(s)
  - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved; upon request
  - Permission to use personal cell phone to in the event that the student feels threatened and needs immediate assistance;
  - Assignment of a bus monitor.
  - Counseling support

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing the student of the District's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.
- g. establishing a "stay away" agreement

Appropriate disciplinary action will be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement or state law. School District should make every effort to attempt to first resolve the misconduct through non-punitive and remedial measures.

Disciplinary measures to address incidents of harassment, discrimination and/or bullying will incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and considers among other things, the nature and severity of the student's offending behavior(s) the developmental stage 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 and/or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model for student discipline will be consistent with other provisions of the code of conduct.

The investigator will report back to both the target and the accused, within a reasonable time period unless extenuating circumstances exist. The investigator will notify them in writing, and also in person, as appropriate, regarding the outcome or status of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation. The target will report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or district designee believes that a reported incident may constitute criminal action, the District will promptly notify the proper law enforcement agency and will notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### **District-level Procedure**

The Superintendent or their designee will promptly arrange for the investigation and resolution of all bullying, harassment and/or discrimination appeals complaints that are referred to him/her. In the event that a complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to the Board counsel or their designee for investigation.

The Superintendent shall also promptly address any appeals of the outcome of an initial investigation. The District level investigation should begin as soon as possible (three working days) following receipt of the appeal by the Superintendent or Board President.

If a District level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the Remediation/Discipline/Penalties section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the District-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

#### **Board-level Procedure**

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will notify all parties concerned of the time and place when an informal hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board will render a decision in writing within 15 days after the informal hearing has been concluded.

The District will retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

### **Remediation/Discipline/Penalties**

Any individual who violates this policy by engaging in harassment, bullying and/or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer mediation;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Conflict coaching/restorative practices;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Counseling services.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Retaliation Prohibited: Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior, is strictly prohibited, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: non-verbal, verbal and/or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.



Employee victims also have the right to register complaints with the Federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

## **Prevention**

Prevention is the cornerstone of the District's effort to address bullying, discrimination and harassment. The components of such an effort involve the following:

- District curriculum will emphasize developing empathy, tolerance and respect for others.
- Creating a dynamic learning environment for all students.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school-wide and classroom rules about bullying consistent with the District's code of conduct.
- Providing staff training to promote a positive school environment free from discrimination and harassment.
- Providing training to raise awareness and sensitivity to potential acts of discrimination and /or harassment and understanding of the Code of Conduct.
- Providing staff training to enable employees to prevent and respond to incidents.
- Provide staff training in restorative practices.
- Providing staff training to make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination. Such training will raise awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting, bullying, intimidation, harassment or other forms of violence.
- Providing training to assist staff in addressing the social patterns of harassment, bullying and/or discrimination, to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting.
- Ensuring the effective implementation of school policy on conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or school employees.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.
- Instruction to students in grades K-12 will include a component on civility, citizenship and character education. This instruction will provide guidance and information to students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of the student's experiences and will contribute to the community. Concepts of dignity, tolerance and respect for others includes awareness and sensitivity to harassment, bullying and/or discrimination as well as the importance of civility in relation to actual or perceived race, (including traits historically associated with race, such as hair texture and protective hairstyles like braids locks and twists), weight, national origin, ethnic group, religion or religious practice, disability, sex, sexual orientation and gender (including identity and expression). Instruction to students will also include instruction on the safe and responsible use of the Internet and electronic communications. All such student instruction will include an emphasis on discouraging acts of harassment, bullying and/or discrimination.
- The principal will provide at least an annual report of data and trends related to harassment, bullying and/or discrimination to the Superintendent.

## **IX. Reporting Other Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or their designee. Any student observing another student possessing a weapon, alcohol or illegal

substance on school property or at a school function is expected to report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

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

Any weapon, alcohol or illegal substance found will be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution (permanent suspension would require a superintendent's hearing).

The Principal or designee must notify the appropriate local law enforcement agency of those code violations that may constitute a crime and substantially affect the order or security of a school as soon as practical, but no later than the close of the business day in which the Principal or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **X. Disciplinary Consequences, Procedures and Referrals**

Consequences and if needed discipline are most effective when they deal 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 student's ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Office of Special Programs and discipline, if warranted, will be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability will not be disciplined for behavior related to their disability, unless the discipline is consistent with the student's individualized education plan ("IEP").

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 will be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and will 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 will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

### **A. Consequences**

Students who are found to have violated the district's code of conduct may be subject to the following interventions and consequences either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

In conjunction with the list below, administration (with supports from counselors, social workers and other school staff as appropriate) can employ restorative justice practices such as conflict resolution meetings, and group, classroom, classroom community and/or re-entry circles.

1. Oral warning, teacher/student conference, parent contact, in-class time out, loss of classroom privileges – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
3. Written notification to parent – bus driver, coaches, school counselors, teachers, Principal or their designee, Superintendent
4. Detention – teachers, Principal or their designee, Superintendent
5. Suspension from transportation – Principal or their designee, Superintendent or designee
6. Suspension from athletic participation – coaches, athletic director, Principal or their designee, Superintendent
7. Suspension from social or extracurricular activities – activity director, Principal or their designee, Superintendent
8. Suspension of other privileges – Principal or their designee, Superintendent
9. In-school suspension – Principal or their designee, Superintendent
10. Restitution - coaches, athletic director, Principal or their designee, Superintendent
11. Restorative justice – teachers, coaches, athletic director, Principal or their designee, Superintendent
12. Alternatives-to-Suspension Program (For tobacco violations only) – Principal or their designee, Superintendent.
13. Removal from classroom by teacher– teachers, Principal
14. Short-term (five days or less) suspension from school – Principals, Superintendent, Board of Education
15. Long-term (more than five days) suspension from school – Superintendent, Board of Education
16. Permanent suspension from school – Superintendent, Board of Education

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students may be entitled to additional procedural rights depending on the type of discipline imposed, and those procedural rights are explained below.

### **1. Detention**

Teachers, Principals, or their designees, and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the or Principal or their designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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

3. **Suspension from athletic participation, extracurricular activities and other 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 with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. **In-school Suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes 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 with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. **Restitution** – Students and their parent/guardians will be responsible to give an equivalent or compensation for loss, damage, or injury caused.

6. **Restorative Justice** – Students are responsible for taking an active role to make amends for any wrongdoing.

7. **Alternative-to-Suspension (tobacco violations only)**

In light of scientific evidence that the use of tobacco is hazardous to health, students may be allowed to participate in an Alternative-to-Suspension program. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an alternative to discipline. Parent will be notified of violations involving their child and subsequent action taken by the school.

8. **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 exercising good classroom management. Unfortunately, behavior challenges occasionally require techniques at the extreme end of the behavioral management continuum.

These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly with supervision; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

The removal from class applies to the class of the removing teacher only. A classroom teacher may remove a disruptive student from class for one (1) day.

If the disruptive student does not pose a danger or ongoing 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 provide written documentation 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. If the Principal or designee is not available by the end of the same school day, the teacher must meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or their designee must notify the student's parent that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or their designee to discuss the reasons for the removal.

The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or their designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The 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 their designee may overturn the removal of the student from class if he/she finds any one of the following:

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

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

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

The Principal must keep a written record of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement (i.e. their assigned educational setting), which is specified in the student's IEP. 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 Director of the Office of Special Programs, or their designee to ensure that the removal will not violate the student's rights under state or federal law or regulation.

## 9. **Suspension from School**

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

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

Any staff member may recommend to their respective Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or their designee for a violation of the code of conduct. All recommendations and referrals will be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent, Principal, or their designee, upon receiving a recommendation or referral for suspension or when processing a case for suspension, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

#### **a. Short term (five days or less) Suspension from School**

When the Principal (referred to as the "suspending authority") decides to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority or their designee, must immediately notify the student orally. If the student denies the misconduct, the suspending authority or their designee, must provide an explanation of the basis for the suspension. The suspending authority must also notify the student's parents in writing that the student will 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 implement a suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which the suspension is being imposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal or designee 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 will issue a written decision regarding the appeal within 10 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 10 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 may be appealed to the Commissioner of Education within 30 days of the decision.

#### **b. Long term (more than five days) Suspension from School**

When the Superintendent or Principal determines that a suspension for more than five days may be warranted, they will 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 them and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, in their 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 them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape or digital recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 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 may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### **c. Permanent suspension**

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

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

### **1. Students who bring or possess a weapon on school property**

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

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

### **2. 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 penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students' subject to a short-term suspension. If the 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.

### **3. 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 whose conduct is directly and substantially related to his or her 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. If the penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students' subject to a short-term suspension. If the 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.

#### **D. 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 act promptly to provide alternative means of instruction for the student. The Board of Education expects, students, administrators, teachers and parents/guardians to make every effort to maintain student academic progress in the event of a removal or a suspension, and to support student re-entry to the classroom at the conclusion of disciplinary action.

#### **E. Referrals/Counseling**

School counselors, social workers and or school psychologists will handle all referrals of students to counseling.

#### **F. 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 they require supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Being ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- c. Engaging in prostitution in violation of Penal Law 230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee).
- d. Appearing to be a sexually exploited child under Social Services Law 447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition. For items a and b above when filing the petition, the district must describe the diversion efforts it has undertaken or service provided to the student and the grounds for concluding the allegations cannot be resolved without the petition.

A PINS Petition may be brought against a student with a disability only after a manifestation determination has been held to rule out the misconduct leading to the filing of the petition is a manifestation of the student's disability.

#### **G. Juvenile Delinquents and Juvenile Offenders**

For students found to have brought either a weapon or firearm, the Superintendent is required to make the following referrals:

- a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:  
All students under age-16, except student age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law § 1.20 (42).
- b. To the appropriate law enforcement authorities:



All students age 16 or older and all students age 14 or 15 who qualify for juvenile offender status under Criminal Procedural Law § 1.20 (42).

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

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's code of conduct and /or to temporarily remove a student with disabilities from their current placement because maintaining student in that placement is substantially likely to result in injury to the student or others.

The Board also recognizes that students with disabilities, deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when deciding to suspend or remove them.

The Board is committed to ensuring that the procedures followed for suspending or removing students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

### **Definitions**

For purposes of this section of the code of conduct, and consistent with applicable laws and regulations the following definitions apply:

1. "Behavioral intervention plan" (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. "Controlled substance" means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. "Disciplinary change in placement" means a suspension or removal from a student's current educational placement/setting that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. "Illegal drug" means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed healthcare professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. "Interim alternative educational setting" (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable the student to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive,

as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

6. "Manifestation Determination review" means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. "Manifestation team" means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special as determined by the parent and the district.
8. "Removal" means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. "School day" means any day, including a partial day that students are in attendance at school for instructional purposes.
10. "Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. "Student presumed to have a disability for discipline purposes" means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. "Suspension" means a suspension pursuant to § 3214 of New York's Education Law.
13. "Weapon" means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

#### **A. Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District (BOCES) Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension.

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

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's

behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the Committee of special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, Committee of special education will determine the IAES.

### **B. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer will be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

### **C. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability; or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's Code of Conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### **D. Parental Notification of a Disciplinary Change of Placement**

The district will provide a notice of any decision to make a removal that constitutes a disciplinary change of placement due to a violation of the student code of conduct to the parents of a student with a disability. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### **E. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if they determine that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### **F. Manifestation Determination Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES; or
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability; or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the Office of Special Programs conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the Office of Special Programs will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### **G. Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the Committee on Special Education will determine the appropriate services to be provided.

#### **H. Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question to determine whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, prior to the behavioral event, that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel have expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the head of the district's Office of Special Programs or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability:

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student will remain in the educational placement determined by the district which can include suspension.

### **I. Expedited Due Process Hearings**

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES, where school personnel maintain that it is dangerous for the student to be in his or her current educational placement; or
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings; or
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in the Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial

hearing officer or until the expiration of the period of removal, whichever occurs first, unless the student's parent and the district agree otherwise.

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

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XII. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints (a personal restriction that immobilizes or reduces the ability of the student to move their arms, legs, body or head freely. Physical restraint does not include physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes), to protect the student, another student, teacher or other person from physical injury when alternative procedures and methods not involving the use of physical restraint cannot be reasonably employed to achieve these purposes. Corporal punishment of any student by any district employee is strictly forbidden. The District has existing policy and procedures related to this topic which establishes uniform guidelines that prohibit the use of corporal punishment, aversive interventions and seclusion and authorized the limited use of timeout and physical restraint in schools.

## **XIII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, Building Principals, Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most incidences with exceptions set forth below in A if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Students will be present when their possessions are being searched.

Before searching a student or a student's belongings the authorized school official should attempt to get the student to admit that they possess 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.

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

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

#### **B. Treatment of Cell Phones**

Teachers and administrators are authorized to secure and retain student cell phones that are being used in violation of the Code of Conduct or District Policy # 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to review the cell phone further. Absent consent from a student an administrator or teacher must consult with the Superintendent of Schools or their designee before engaging in a more thorough review of the device(s).

#### **C. Documentation of Searches**

The authorized school official conducting the search will be responsible for promptly recording, the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

#### **D. 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 student's only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or

Before police officials are permitted to question or search any student, the Principal or designee must 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 not be conducted unless the student is 16 years of age or older. The Principal or their designee will also be present during any police questioning or search of a student on school property or at a school function.



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

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

#### **XIV. Visitors to the Schools**

The Board encourages parents and other district citizens to visit the district's schools. Since schools are a place of work and learning, however, certain limits must be set for such visits. Persons other than parents, students, or staff who desire to visit a school building will do so only with the permission of an appropriate administrative staff member. The Principal or 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:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must enter through the designated single point of entry and report to the office of the Principal 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 to the Principal's office before leaving the building.
- C. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings are not required to register.
- D. Teachers are expected to teach and will not be able to take class time to discuss individual matters with visitors.
- E. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- F. All visitors are expected to meet the expectations for public conduct on school property contained in this code of conduct.

#### **XV. Public Conduct on School Property**

The district is committed to providing a safe, welcoming, engaging, orderly, respectful environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events and other school functions. In order maintain this kind of an environment, the public must adhere to regulations of the district. For purposes of this section of the code, "public" will mean all persons when on school property or attending a school function including but not limited to students, teachers, visitors and other district personnel.

The expectations for public conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. To maintain order and prevent infringement on the rights of others.

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

##### **A. Prohibited Conduct**

No person, either alone or with others, may:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, twists) color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, gender identity or expression, sex, sexual orientation or disability on school grounds or at a school function.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e. vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (includes cannabis products) or smoke cannaboid hemp on school property or at a school function.

## **B. Penalties**

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students: They will be subject to disciplinary action as the facts may warrant, in accordance with the District's code of conduct, and the due process requirements provided in the Education Law.
3. Tenured faculty members. They will be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They will be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The Principal or designee is responsible for enforcing the conduct required by this code.

When the Principal or designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee will have the individual removed immediately from school property or school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district will 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 and Review**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students in an age-appropriate plain-language version at assemblies held at the beginning of each school year or within individual classrooms.
2. Providing a plain language summary to parents/guardians of district students at the beginning of the school year and thereafter upon request.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents/guardians and other community members.
6. Posting the complete Code of Conduct on the District's website.
7. Parents/guardians will receive notice, at least annually, of the Dignity Act Coordinator and the name of designated building officials to whom complaints of alleged harassment, discrimination and/or bullying may be made. Information will be provided, in a manner determined by the school (which may include through electronic information or sending information home with students). This information will also be posted on the district website.
8. Information about the Dignity for All Students Act and its interrelation with the District's Code of Conduct will be contained in the plain language summary of the Code of Conduct provided to all Parents and Persons in Parental relation to students before the beginning of each school year; or by providing this information at least once per year in a manner determined by the District which may include sending information home with students or electronic communication. In addition, this information will be posted on the district website.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct, along with guidelines and strategies for promoting a safe and supportive school climate. Such training will be designed to raise staff awareness and sensitivity to potential acts of discrimination, bullying and/or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their reoccurrence. Training will be designed to make school employees aware of the effects of harassment, bullying and/or discrimination on students. Staff will also receive training to assist in addressing the social patterns of harassment, bullying and/or discrimination to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

### **B. Review of Code of Conduct**

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

The change in name and/or contact information of the Dignity Act Coordinator (DAC) will not constitute a revision to the Code of Conduct so as to require a public hearing.