

**MANCHESTER-SHORTSVILLE  
CENTRAL SCHOOL DISTRICT**



***Code of Conduct***  
**2018-2019**

## Introduction

The Manchester-Shortsville Central School District Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal. Accordingly, in collaboration with students, parents, teachers and administrators, the Board has established this Code of Conduct.

**Although the Code of Conduct refers to student conduct, the expectations of the Code of Conduct applies to all students, school personnel, parents, vendors and other visitors when on school property, in school vehicles or in attendance at a school function.** Students may be disciplined for conduct that occurs outside of school property that may endanger the health or safety of pupils within the educational system or adversely affect the educational process.

The District has a long-standing set of expectations for conduct on school property and at school functions (see board Policy #7310). 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, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

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### I. Definitions

For purposes of this code, the following definitions apply.

“Alcohol and other Substance Use/Abuse “ means possession, distribution, consumption, being under the influence, or sale of illegal drugs, look-alikes, alcoholic beverages, drug paraphernalia, prescribed medication when authorized or unauthorized non-prescription or over-the-counter medication on school property, on a school vehicle or at a school function.

“Cyberbullying” means harassment/bullying (as defined below) through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited

to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying involving district students may occur both on campus and off school grounds and may involve student use of the district internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyberbullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property; or
- Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school's programs.

"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.

"Discrimination" means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

"Disruptive student" means a student who is substantially disruptive to the educational process or substantially interferes with the teacher's authority over the classroom.

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

"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.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Gender Identity and Expression" is an individual's internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns.

“Harassment/Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) 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 definition includes acts of harassment or bullying that occur:

- a. on school property; and/or
- b. at a school function; or
- c. off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender (including gender identity and expression) or any other legally protected status.

For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. “Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (Education Law §11[7]).

Bullying includes, but is not limited to, threatening, stalking, ostracizing or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including, but not limited to, intimidation through the use of epithets or slurs.

Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done by one person or a group. Bullying may be a single act or a series of occurrences. Bullying may also be based on any characteristic including but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

Bullying generally involved the following characteristics:

*An imbalance of power:* Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in

different situations, even if they involve the same people.

*The intent to cause harm:* The person bullying has a goal of causing harm.

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

Bullying includes, but is not limited to, the following types:

*Verbal bullying:* includes but is not limited to name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

*Physical bullying:* includes but is not limited to poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, taking personal belongings without permission, or threatening gestures.

*Social or relational bullying:* includes but is not limited to excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, blatant or subtle offensive body language, extortion, intimidation, coercion, etc.

“Hazing” means a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

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

“Illegal substances” include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-a-likes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs, or any product which, when misused, will result in an impaired or altered state, when possession is unauthorized, or such are inappropriately used or shared with others.

“Informal conference” is an open-ended discussion of a disciplinary incident to include the student and/or

parent and principal without the requirements of tape recording or transcription and examination of witnesses associated with a Superintendent’s hearing.

“Material incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the Superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

“Principal” within the context of teacher removal of a student from class, means either the principal of the building or any other administrator in the district acting in the principal’s absence or at the principal’s direction.

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

“Retaliation” means when any employee, student, or visitor mistreats any person because he/she reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying. It is possible that an alleged harasser may be found to have retaliated if the underlying complaint is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

“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.

“School function” means any school-sponsored extracurricular event or activity on or off school property.

“School property” means any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the school district, or in or on a school bus.

“Sex” means the biological and physiological characteristics that define men and women. Sex is different than gender, and people may have gender identities or gender expressions that differ from their sex.

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

“Violent student” means a student who:

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

“Twenty-four hours” within the context of teacher removal of a student from class, is equal to one school day. Weekends, holidays, and vacation days are not counted as part of a twenty-four hour period.

“Tobacco Product” means any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, e-cigarette or other vaping and/or nicotine containing device, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

“Under the Influence” means if a student has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

“Weapon” means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act (See BOE Policy #7351). It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, pocket, pen, or other knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, look alike fake weapons or other device, instrument, material or substance (“Other Item”) that can cause physical injury or death when used to cause physical injury or death, or when such Other Item is brandished as a weapon.

## **II. Essential Partners**

Providing a safe and orderly school environment involves a partnership of parents and school personnel. The following are expectations of each.

### **A. *Parents***

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the

school community

2. Send their children to school ready to participate and learn
3. Ensure their children attend school regularly and on time
4. Ensure their children are absent only for legal reasons
5. Insist their children be dressed and groomed in a manner consistent with the student dress code
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
7. Know school rules and help their children understand them
8. Convey to their children a supportive attitude toward education and the District
9. Build positive relationships with teachers, counselors, other parents, and their children's friends
10. Help their children deal effectively with peer pressure
11. Inform school officials of changes in the home situation that may affect student conduct or performance
12. Provide a place for study and support teachers' requirements to complete school assignments
13. Initiate parent/student/teacher/counselor/psychologist conferences, as necessary, as a way to resolve problems
14. Maintain ongoing and frequent communication with school personnel
  - a. Contact the teacher regarding their child's progress
  - b. Contact the school counselor regarding their child's personal adjustment, future plans, and their class schedule, as appropriate
  - c. Contact the administrator regarding their child's behavior and unresolved concerns

**B. *Teachers***

1. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
2. Are prepared to teach
3. Demonstrate interest in teaching and concern for student achievement
4. Know school rules, and enforce them in a fair and consistent manner
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents, counselors, psychologists, and other teachers concerning student growth and achievement
7. Initiate parent/student/teacher/counselor/psychologist conference, as necessary, as a way to resolve a problem
8. Confront issues of bullying, 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

9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
10. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner

**C. *Counselors/Psychologists***

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems
2. Initiate teacher/student/counselor/psychologist conferences as necessary and parent/teacher/student counselor/psychologist conferences, as necessary, as a way to resolve problems
3. Review educational progress and career plans with each student
4. Report information to a school administrator which might impact a safe, orderly school environment
5. Encourage students to benefit from the curriculum and extracurricular programs
6. Participate in crisis management
7. Refer students and/or parents to appropriate human service agencies outside the school
8. Assess student social and emotional behaviors
9. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
10. Confront issues of bullying, 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
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
12. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a counselor's/psychologist's attention in a timely manner

**D. *Principals***

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Ensure that students, staff, and parents have the opportunity to communicate regularly with the principal
3. Evaluate all instructional programs on a regular basis
4. Support the development of, and student participation in, appropriate extracurricular activities
5. Are responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly
6. Ensure regular communication with law enforcement agencies
7. Initiate parent/student/teacher/counselor/psychologist conferences, as necessary, as a way to resolve a problem

8. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
9. Confront issues of bullying, 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
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
11. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a principal's attention in a timely manner

E. ***Superintendent***

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Review the policies of the Board and state and federal laws relating to school operations and management with district administrators
3. Ensure that staff and parents have the opportunity to communicate with the Superintendent
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
5. Work with district administrators, when appropriate, in reinforcing the Code of Conduct to ensure that cases are resolved promptly and fairly
6. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
7. Confront issues of bullying, 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
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner

F. ***Board of Education***

1. Adopt, review at least once a year, and modify as appropriate, the Code of Conduct
2. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
3. Confront issues of bullying, 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

4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
5. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a board member's attention in a timely manner

**G. *All Other School Employees (Instructional and Non-Instructional)***

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen each student's self-concept and promote confidence to learn
3. Confront issues of bullying, 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
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
5. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner

### **III. Student Conduct**

**A. *Student Rights and Responsibilities***

All students have the right to:

1. An education that offers opportunity for inquiry and for development to their fullest potential
2. Constructive discipline for the development of good character, conduct, and habits
3. Security in the school community against influences detrimental to proper development
4. An educational climate where the well-being of students is of primary concern
5. An educational staff that exhibits a positive role model
6. The opportunity to develop and express opinions, beliefs and values, provided such expression is not disruptive, slanderous or insubordinate
7. Wholesome extracurricular activities
8. Health and psychological services to assist in physical, mental and social development
9. An appropriate education and/or remediation to serve special needs
10. Consideration as an individual within the educational environment
11. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education
12. Be free from bullying, discrimination, harassment and retaliation on school property or school functions including but not limited to the educational program, activities, or admission policies of

their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status

All students have the responsibility to:

1. Work toward personal growth
2. Be honest with themselves and others
3. Show respect for fellow students, teachers, and all school district staff
4. Perform all assignments to the best of their ability
5. Consider their education as preparation for the future
6. Obey all school rules and regulations
7. Respect public, private, and school property
8. Attend school regularly and punctually
9. Develop high moral standards and the courage to live by them
10. Strive for mutually respectful relationships and comply with reasonable requests of teachers, administrators, and other district staff
11. Inform an adult in the school about any threat to safety within the school environment
12. Take full advantage of educational opportunities available at school
13. Learn and practice civic responsibility

#### **B. *Student Dress Code***

The intent of the Student Dress Code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the workplace and society. 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 jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Ensure that underwear or undergarments are completely covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats, bandanas, hoods or sunglasses except for a medical or religious purpose. Hats worn to school must be removed and placed in lockers during school hours (7:45 a.m.-3:15 p.m.)
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, violent or sexual activities; including messages that are innuendos or have double meanings.
7. Recognize that shirts, shorts or skirts, whether stocking or leggings are also worn, must be appropriate in length. Appropriate length is defined as mid-thigh (length of middle finger with hands at sides).
8. Not include wearing of garments (pants, shorts, skirts) that have holes above the appropriate level (refer to # 7 above).
9. Ensure that all PE clothes MUST fulfill the dress code requirements.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. All staff will adhere to and enforce the dress code.

Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code or violates the dress code by wearing the same inappropriate article of clothing shall be subject to further discipline, up to and including detention or in school suspension. See also board Policy #7312.

### **C. *Behavior-Related Offenses and Consequences***

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

1. The student's age.

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

The listed sanctions are advisory, and as a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, the district may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the building principal and, if warranted, shall be administered consistent with the separate requirements for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall be disciplined according to a manifestation determination process.

Although not all-inclusive, the following list of offenses on school property or at a school function may result in disciplinary action, the range of which is further described below. Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

**RANGE OF CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES**

<b>Category I</b>	<b>Category II</b>	<b>Category III</b>
<ul style="list-style-type: none"> <li>● Warning/verbal reprimand (any member of the district Staff)</li> <li>● Written Warning (bus drivers, support staff, coaches, guidance counselors, teachers, Principal, Superintendent)</li> <li>● Written notification to parent (referrals)—(bus driver, support staff, coaches, guidance counselors, teachers, Principal, Superintendent)</li> <li>● Detention ( support staff, teachers, Principal, Superintendent)</li> <li>● Suspension from transportation (Principal, Superintendent)</li> <li>● Suspension from athletic participation (coaches, athletic director, Principal, Superintendent/designee)</li> <li>● Suspension from social or extracurricular activities (activity advisor, Principal, Superintendent/designee)</li> <li>● Suspension of other privileges (Principal, Superintendent/designee)</li> <li>● Counseling (Principal, Superintendent)</li> <li>● Restitution (Principal, Superintendent)</li> </ul>	<ul style="list-style-type: none"> <li>● Removal from classroom (teachers, Principal)</li> <li>● Extended or Saturday detention (Principal)</li> <li>● In-School Suspension (Principal)</li> <li>● Out of School Short-term Suspension (5 days or less) (Principal)</li> <li>● Police notification (Principal, Superintendent)</li> <li>● Removal from school property (Principal, Superintendent)</li> <li>● Social probation (Principal, Superintendent)</li> </ul>	<ul style="list-style-type: none"> <li>● Alternative placement (Principal, Superintendent)</li> <li>● Superintendent’s Hearing (Principal referral, Superintendent)</li> <li>● Long-term Out of School Suspension (more than 5 days) (subject to Superintendent’s Hearing)</li> <li>● Permanent Suspension from School/Expulsion (Superintendent, Board of Education)</li> </ul>

<b>OFFENSES AND CONSEQUENCES</b>		
<b>Offense</b>	<b>Definition</b>	<b>Range of Consequences</b>
Absence (Unlawful)	An absence for a day or any portion of a day for any reason other than those cited as lawful (as listed in the Student Handbook) and/or failure to bring a note by a parent/guardian to verify a lawful absence.	I – II
Alcohol and Other Substance Use/Abuse	Possession, distribution, sale, consumption, or being under the influence of Illegal Substances (as defined in this Code), look-alikes, alcoholic beverages or drug paraphernalia, prescribed medication when unauthorized or unauthorized non-prescription, over-the-counter medication or any product which, when misused, will result in an impaired or altered state, on school property, at a school function, on a school bus, or in a school vehicle. Possession will be presumed if Illegal Substance(s), alcoholic beverage(s) or drug paraphernalia are found in an area of control by the student (i.e. backpack, automobile, personal belongings)	II - III
Arson/fire	Attempting to, aiding in, or setting fire to a building or other property.	II - III
Bus Misbehavior	Any violation of bus behavior rules (as listed in the Student Handbook).	I- II
Cheating/Academic Dishonesty	Copying, plagiarizing, altering records, or assisting another in such actions.	I- III
Computer/ Electronic Communication Misuse	Any unauthorized use of computers, software, or internet/intranet accounts; unauthorized access to internet/intranet, another's email, or an inappropriate website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices; unauthorized taping (audio/video), filming or	I -III

	photographing; or any violation of the district's Acceptable Use Policy.	
Cutting class	Unauthorized absence from a class or school activity.	I-II
Cyberbullying	Harassment or bullying, as defined in this Code, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying includes the use of information technology, including, but not limited to e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to harass, threaten, isolate or intimidate others. (Education Law §11[8]).	I- III
Defamation	False or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group.	I -II
Destruction of Property/ Vandalism	Damage, destruction, or defacement (graffiti) of property belonging to another or the school.	II-III
Discrimination	Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity and expression), sex or any other legally protected status.	I-II
Disrespect Toward Others	Inappropriate comment or physical gesture to a student, teacher, staff member, or other adult.	I -II
Disorderly Conduct	Behavior that disturbs the atmosphere or order, to include obstructing or restraining the authorized or lawful movement or participation of another.	I-II
Disruption – Classroom	Behavior that is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.	I -III

Disruption – School	Behavior that interferes with the safe and orderly environment of the school or school activity.	I-III
Dress Code	Violation of dress code and refusal to modify appearance in order to comply with dress code.	I-II
Driving/ Parking Violations	Failure to obey all state, district, and campus traffic and parking signs and rules.	I-II
Failure to Serve Assigned Consequences	Failure to serve detention, Saturday detention, suspension or other assigned consequences.	I-II
False Alarms/Bomb Threats/Tampering with Emergency Equipment	Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; or tampering with or removing from its compartment an automated external defibrillator (AED) in a non-emergent situation.	II-III
Fighting	A hostile confrontation with physical contact involving two or more students.	II-III
Fireworks or Explosives	Possession, use, and/or threat to use a firework, smoke bomb, flare, or combustible or explosive substance.	II-III
Firearm	Possession of a firearm, as defined in this Code.	II-III
Gambling	Wagering money or property.	I-II
Harassment and/or Bullying	The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) 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 definition	I-III

	<p>includes acts of harassment or bullying that occur:</p> <ul style="list-style-type: none"> <li>a. on school property; and/or</li> <li>b. at a school function; or</li> <li>c. off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.</li> </ul> <p>Such conduct shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.</p> <p>For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. “Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (Education Law §11[7]).</p>	
Hazing	Engaging in any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate.	I-III
Indecent Exposure	Exposing the private parts of the body in a lewd or indecent manner.	I- II
Insubordination	Refusing to follow reasonable requests of teachers, staff, or administration, including failure to identify self or knowingly providing false information.	I -III
Leaving school grounds without permission	Leaving school grounds during regular school hours without written or verbal permission from parent/guardian or administrator.	I -II

Loitering	Idle presence in an area without authorization.	I -II
Physical Attack on Staff, Students/Others	Assault, or aggressive physical action, directed at students, staff, or others, including a situation where a staff member is intervening in a fight or other disruptive activity.	II- III
Possession and/or use of Disruptive Items	Unauthorized possession and/or use of a sound box, laser pointer, squirt gun, water balloon, personal audio device, or any other disruptive item.	I- II
Possession and/or Use of Portable Electronic Communication or Recording Devices	Unauthorized possession and/or use of pager, cellular phone, camera, video device or audio recording device.	I-III
Profanity	Using vulgar or abusive language, cursing or swearing.	I-II
Refusal to Submit to Alcohol/Drug Test	Refusing to take a saliva-based drug test, AlcoSensor test, or Breathalyzer test, or refusing to permit a staff member to smell breath.	I-III
Retaliation	When an employee, student, or visitor mistreats any person because he/she reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying; including but not limited to any form of intimidation, reprisal or harassment.	I-III
Sexting	Sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message, email or other electronic/digital means.	I- III
Sexual Harassment	Unwanted and inappropriate verbal, written, or physical conduct of a sexual nature directed toward another person.	I -III
Tardiness	Lateness to school or class.	I-II
Theft	Taking or obtaining property of another without permission of the owner, including possession of stolen property and attempted theft.	II-III

Threat to Staff, Student or Other Person	Expression, conveyed by word or action, of intent to abuse, intimidate, coerce, or injure a staff member, student, or other person.	I -III
Tobacco Violation	Possession, distribution or use of any Tobacco Product, as defined in this Code; this prohibition includes violations on school property, at a school function, on a school bus, or in a school vehicle.	I -II
Trespassing	Unauthorized presence on school property, including while on suspension.	I-II
Truancy	Unlawful absence without parental knowledge and/or permission.	I- II
Violation of Civil Rights	Violation of another student’s civil rights	I-III
Weapon Possession	Possession of a Weapon, as defined in this Code.	II- III

**D. *Information Regarding the Assignment of Penalties***

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

Procedures for students who are to be given penalties other than an oral warning, written warning or written notification to their parents are explained below.

**1. Detention & Extended Detention**

Support staff, teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Extended detention may also be imposed as a penalty. The student’s parent will be notified to confirm that the student has appropriate transportation home following detention.

**2. Suspension From Transportation (see also board Policy #7340)**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building 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. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a 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 building principal or the principal's 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, extracurricular activities or other privileges is not entitled to a 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 building principals and the Superintendent or designee to place students who might 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 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. Teacher Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to move his/her seating within the classroom, briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a

guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the student poses a danger or ongoing threat of disruption, the teacher shall order the student to be removed immediately and the building principal shall be notified immediately. The teacher will explain to the principal why the student was removed from the classroom. The building principal or designee will give the student a chance to present his or her version of the relevant events within 24-hours and notify the parent/guardian.

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

Within 24-hours after the student's removal, the principal or designee must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. A follow-up written notice will also be provided. 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 the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

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

All disciplinary sanctions will be documented in the respective building office. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### 6. Suspension From School (see also board Policy #7313)

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

The primary responsibility for the suspension of students lies with the Superintendent and the building principals. Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to ensure the provision of continued educational programming and activities, including alternative means of instruction for the student.

a. Short-Term (5 days or less) Suspension From School

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents/student shall be permitted to ask questions of the suspending authority and any complaining witnesses. If the witness is a minor student, his/her parents will be notified to provide consent.

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. If the parents are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Commissioner of Education within 30 days of the decision.

b. Long-Term (more than 5 days) Suspension From School

When the Superintendent or Board of Education determines that a suspension for more than five days may be warranted, the process outlined above regarding short-term suspension shall apply. The Superintendent shall give reasonable written notice to the student and the student’s parents of their right to a fair hearing, pursuant to section 3214 of the Education Law. This written notice shall provide the time date and location of

the hearing, the conduct with which the student is being charged and the student's rights regarding the hearing. At the hearing the student shall have the rights:

1. The right to be represented by counsel.
2. The right to question witnesses.
3. The right to refrain from testifying at said hearing, since the testimony may be used against you.
4. The right to present witnesses on your behalf.
5. The right to have the Superintendent/Hearing Officer issue subpoenas on your behalf.
6. The right to make any statement on your behalf concerning the alleged incidents.
7. The right to have a record of the hearing maintained.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board of Education, which 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 thirty (30) days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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.

## E. ***Minimum Periods of Suspension for Certain Conduct***

### 1. Students Who Bring A Weapon To School

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:

1. The student's age.

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

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

### 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 to school) shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal or 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.

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

### 3. Students Who Are Repeatedly Substantially Disruptive To The Educational Process

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

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

The principal or 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.

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

#### **F. *Corporal Punishment***

No employee, district officer or agent of the district shall use corporal punishment against a student. As used in this code, corporal punishment means any act of physical force against a student for the purpose of punishing that student, except as hereinafter provided.

In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this code shall be construed to prohibit the use of reasonable physical force for the following purposes:

1. To protect oneself from physical injury;
2. To protect another student or teacher or any person from physical injury;
3. To protect the property of the school or others; or
4. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

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

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have a right to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. This Code and the enforcement thereof shall be compliance with applicable State and Federal laws relating to students with disabilities.

### 1. Authorized Suspensions or Removals of Students with Disabilities

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

- a. A “suspension” means a suspension pursuant to Education Law § 3214.
- b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- c. An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The Board, the district (BOCES) Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses

a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## 2. Change of Placement Rule

- a. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  1. for more than 10 consecutive school days; or
  2. 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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another
- b. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the Committee on Special Education (CSE) has determined that the behavior was not a manifestation of the student's disability.

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

- a. The district's Committee on Special Education (CSE) shall:
  1. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school

year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

2. Ensure the principal conducts a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- b. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
1. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  2. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - A. conducted an individual evaluation and determined that the student is not a student with a disability, or
    - B. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation

is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

- c. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
- d. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
- e. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this code.
- f. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the Principal or CSE has determined that the behavior is not a manifestation of the student's disability.
- g. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

#### 4. Expedited Due Process Hearings

- a. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this code, if:
  - 1. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - 2. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
- b. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES

pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

- c. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- d. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

## 5. Referral to Law Enforcement and Judicial Authorities

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

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

## H. ***Student Searches and Interrogations (see also board Policy #7330)***

### 1. Searches Generally

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

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

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.

## 2. 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 (including school computers/electronic devices). 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.

## 3. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly documenting the relevant details of each search. Such documentation may include:

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

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

## 4. Cooperation with Law Enforcement

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. When district officials have called the police to investigate a crime on school premises, school officials should yield to police leadership on the conduct of the investigation. The investigation should be conducted in a manner that minimizes the disruption of the school environment.

If law enforcement seeks to interrogate or remove a student, the district is required to immediately contact the student's parents or legal guardians to arrange for their presence, if possible, or obtain their consent unless law enforcement:

1. Has a warrant for the arrest of the student;

2. Has a court order authorizing the removal or interrogation of the student; or
3. Is investigating a possible crime that occurred on school grounds and law enforcement determines either:
  - a) exigent circumstances exist;
  - b) there is an immediate threat of serious physical harm; or
  - c) there is an emergency and immediate need for assistance.

School officials will defer to the police on these issues and their determinations.

The safety and welfare of the students and school staff takes precedence over any right of an individual to be present during school searches. If there is an allegation regarding a firearm, school staff should, if circumstances permit, immediately notify their School Resource Officer or local law enforcement agency. These officers, with their training and expertise, should be the ones to initiate any interview and conduct the search for the weapon.

#### 5. Child Protective Services Investigations

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

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

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

### **IV. Remedial Responses to Violations of the Code of Conduct**

Students who violate this Code may also be referred to remedial action as the facts may warrant, including any of the measures listed below:

- a) peer support groups; corrective instruction or other relevant learning or service experience;
- b) supportive intervention;
- c) behavioral assessment or evaluation;
- d) behavioral management plans, with benchmarks that are closely monitored; and/or
- e) student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a) school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b) adoption of research-based prevention programs;
- c) modification of schedules;
- d) adjustment in hallway traffic and other student routes of travel;
- e) targeted use of monitors;
- f) staff professional development;
- g) parent conferences;
- h) involvement of parent-teacher organizations; and/or
- i) peer support groups

## **V. Collaboration with Community Resources and Law Enforcement**

### **A. *Human Services Agencies and Person In Need of Supervision (PINS) Petitions***

When there is evidence of educational neglect, the building principal, in consultation with the Superintendent, shall determine whether a report to the appropriate agency is warranted.

When there is evidence of child abuse, neglect, or maltreatment, all mandated reporters shall follow the procedures established by law and district Policy.

When a student is frequently absent from or tardy without valid excuse; is habitually disobedient, ungovernable, or non-compliant with this Code of Conduct; or is in possession of marijuana in violation of the Penal Law; then the building principal, in consultation with the Superintendent, may initiate the pre-PINS diversion process with the appropriate county lead agency. If the district is notified by the responsible county lead agency that no further diversion services are warranted, the building principal, in consultation with the Superintendent, shall determine whether to initiate a PINS petition in Family Court.

### **B. *Law Enforcement Agencies and Juvenile Delinquency Complaints***

Whether a particular act in violation of this Code is reported to a law enforcement agency shall be determined by the building principal, in consultation with the Superintendent. When the district utilizes a School Resource Officer who is an employee of a law enforcement agency, the SRO shall be the initial point of reporting.

The following acts shall be reported to an appropriate law enforcement agency, unless the building principal documents a reason satisfactory to the Superintendent for not doing so: possession of a weapon, possession of any controlled substance (including marijuana), physical assault, any acts of harassment, bullying or discrimination that the principal believes constitutes criminal conduct and theft or destruction of property having an apparent value over \$100.

Other acts may be reported to a law enforcement agency when the building principal, in consultation with the Superintendent, determines it is appropriate. When an act is reported to a local law enforcement agency as a possible crime, it remains the responsibility of the building administrator to collect the information necessary to make a determination as to the appropriateness of disciplinary consequences under this Code.

In general, the person against whom the criminal act was directed should be identified as the complainant where the district attorney decides to initiate a criminal complaint or juvenile delinquency petition. The district, or a district employee in their official capacity, may only be identified as the complainant when the Superintendent determines that it is appropriate to proceed in that manner.

## **VI. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to be entered into the Raptor system and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.

6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
1. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

The administration has authority to determine whether the visitor has an appropriate reason for being in the building. If the visitor is judged by the administrator not to have an appropriate reason, the visitor will be asked to leave. The police may be called if the situation warrants.

## **VII. Public Conduct at School Events**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, parents, community members, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

### **1. Prohibited Conduct**

No person, either alone or with others, shall:

- a. Intentionally injure any person or threaten to do so.
- b. 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.
- c. Disrupt the orderly conduct of classes, school programs or other school activities.
- d. 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.
- e. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

- f. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g. Obstruct the free movement of any person in any place to which this code applies.
- h. Violate the traffic laws, parking regulations or other restrictions on vehicles;
- i. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- j. 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.
- k. Loiter on or about school property.
- l. Gamble on school property or at school functions.
- m. Refuse to comply with any reasonable order of identifiable school district officials or designees performing their duties.
- n. Willfully incite others to commit any of the acts prohibited by this code.
- o. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## 2. Penalties

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

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

## 3. Enforcement

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual

to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **VIII. Reporting Violations of the Code of Conduct**

Any student or visitor who observes a violation of the Code of Conduct should report it immediately to a staff member. Any staff member who observes, or is made aware of a violation of the Code of Conduct should address the violation directly or report it to an administrator.

Certain acts of misconduct which occur may require the exercise of reasonable judgment by staff in consultation with the principal or Superintendent in order to determine whether referral to law enforcement officials is appropriate, or whether the matter will be handled solely through the district's student discipline system. Examples of acts of misconduct which require the exercise of such judgment, but not limited to include fighting, threat of bodily harm to another individual or property, harassment, theft, possession of a weapon, possession of alcohol or an illegal substance, and property damage. The district's staff has the responsibility to administer district policies, rules and regulations governing student conduct in a reasonable manner taking into account the age level, maturity and/or disability of the particular student involved, as well as the seriousness of the offense.

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

The school principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address then immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a district official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of district policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the district determines that a district official, employee, volunteer, vendor, visitor and/or student has violated the district's Code of Conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, 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 violation was directed. Retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall 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 offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the principal is the alleged offender, the report will be directed to the Superintendent of Schools. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of district policy;
- ii. forwarded to the program's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

The principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct. The principal shall provide a regular report, as least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the Superintendent of Schools.

Prevention is the cornerstone of the district’s effort to address bullying and harassment. *In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the principal at each school to act as the Dignity for All Students Act Coordinator (Dignity Act Coordinator).*

Each Coordinator shall be employed by the district and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of Schools. These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status as well as provided with training which addresses the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

**The Dignity Act Coordinators for the 2018-2019 School Year are as follows:**

<b>Red Jacket Elementary School</b>	<b>Jeff McCarthy</b>	<b>585-289-9647</b>
<b>Red Jacket Middle School</b>	<b>Karen Hall</b>	<b>585-289-3967</b>
<b>Red Jacket High School</b>	<b>Mark Bracy</b>	<b>585-289-3966</b>

### **IX. Related Board of Education Policies**

Board of Education Policies are under continual update and revision. Please consult the most up to date board policies at: [http://www.redjacket.org/board\\_of\\_ed\\_/policies](http://www.redjacket.org/board_of_ed_/policies)

### **X. Dissemination and Review of the Code of Conduct**

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

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

The Superintendent or designee will ensure the Code of Conduct is reviewed annually by a district review team. In conducting the review, the review team will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

## **XI. In-Service Educational Programs**

The District will provide in-service education programs for all district staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, bullying, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management.

In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

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.