

Documents as they relate to the June 17, 2015 Board of Education meeting.

Policy for First Read  
Code of Conduct 2015-2016

# First Reading

Policy 7310 Entitlement to Attend – Age and Residency

<b>POLICY</b>	2015	7130
	<b>Students</b>	

**SUBJECT: Entitlement to Attend – Age and Residency**

The residence of children dwelling within the boundaries of the District shall be established in a manner consistent with New York State and federal law and regulations.

**Entitlement to Attend**

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not obtained a high school diploma are entitled to enroll in the District.

A student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Each student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

**Proof of Age and Residency**

Evidence of a prospective student’s age and residency must be presented in such form as is permitted by state and federal law and regulation.

**Determination of Student Residency**

“Residence,” for purposes of this policy, is established by a child’s physical presence as an inhabitant within the District and his/her intent to reside in the District.

A child’s residence is presumed to be that of his/her parents or legal guardians. Where a child’s parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child’s time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child’s residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child’s time being divided between both households, residency will be determined on the basis of the child’s physical presence and intent to remain within the District.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child’s parents or legal guardians which are made for the sole purpose of taking advantage of the District’s schools.

<b>POLICY</b>	2015	7130
	<b>Students</b>	

**SUBJECT: Entitlement to Attend – Age and Residency (Continued)**

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency, and an explanation of the circumstances surrounding the student’s emancipation, including a description of the student’s relationship with his/her parents or persons in parental relation.

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

**Undocumented Children**

The District is mindful that undocumented children are entitled to attend the District’s schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child’s parent(s) or the person(s) in parental relation. In the event the District is required to collect such information, the District will do so after the child has been enrolled. In no instance will such information be required as a condition of enrollment or continued attendance.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student’s parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Homeless Children**

Determinations regarding whether a child is entitled to attend the District’s schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner’s Regulations, as well as applicable District policy and regulation.

Education Law Sections 3202, 3205 and 3218  
 Family Court Act Section 657  
 8 NYCRR Sections 100.2(x) and (y)

Approved: Board of Education  
 (Date)

**WILLIAMSON  
CENTRAL  
SCHOOL**



**Code of  
Conduct**

**2015-2016**

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# CODE OF CONDUCT

## I. INTRODUCTION

The 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 school personnel, parents and other visitors is essential to achieving this goal.

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

The Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board of Education adopts this Code of Conduct ("code").

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

[Building level handbooks exist that outline specific building practices and procedures.]



## II. DEFINITIONS

For purposes of this code, the following definitions apply.

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

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

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.

"School bus" means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law § 142).

"School function" means any school-sponsored extra-curricular event or activity.

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

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

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

"Employee" refers to administrators, teachers, teacher assistants, secretaries, administrative assistant, clerks, psychologist, nurse, speech therapist, occupational therapist, physical therapist, librarian, counselors, school-to-work coordinator, monitors, aides, typists, note-taker, student intervention specialists, computer technician, A-V coordinator, PMHP associates, school lunch

manager, cafeteria school personnel, bus drivers, mechanics, director of facilities, cleaners, custodians, groundsmen, mail courier.

“Superintendent” –*unless otherwise noted*– the term superintendent refers to the Superintendent or his or her designee.

“Building Administrator” – the term refers to Building Principal or his/her designee.

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

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

“Gender” means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

The following are the 11 protected classes under the Dignity Act.

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

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

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

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

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

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

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

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

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

“Gender” means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

“Sexual orientation” means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. STUDENT RIGHTS**

The District is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all District students have the right to:

1. A safe, healthy, orderly and civil school environment.
2. Take part in all District activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation or disability.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
5. To attend school in the district in which one's parent or legal guardian resides.
6. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
7. To be respected as an individual.
8. To express one's opinions verbally or in writing.
9. To dress in such a way as to express one's personality.
10. To be afforded equal and appropriate educational opportunities.
11. To take part in all school activities on an equal basis regardless of race, color, weight, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, or disability.
12. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
13. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, creed, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, be employees or students on school property or at a school-sponsored event, function or activity or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment. Such conduct includes both verbal and non-verbal actions.

#### **B. STUDENT RESPONSIBILITIES**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by school personnel in a respectful, positive manner.

6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. To attend school daily, regularly and on time, perform assignments, and strive to do the high quality work possible and be granted the opportunity to receive a good education.
13. To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
14. To respect one another, and to treat others in the manner that one would want to be treated.
15. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
16. To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
17. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
18. To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
19. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provision of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

#### **IV. ESSENTIAL PARTNERS**

##### **A. PARENTS**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with school personnel 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 ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

## **B. SCHOOL PERSONNEL**

All school personnel are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Demonstrate an interest in learning and concern for student achievement.
3. Know school policies and rules.
4. Act as role models for students.
5. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner. Verbal reports must be made within one school day; written reports within two school days.

## **C. TEACHERS**

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
7. Act as role models for students.
8. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, 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.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner. Verbal reports must be made within one school day; written reports within two school days.

#### **D. GUIDANCE COUNSELORS/SOCIAL WORKERS**

All guidance counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Know school policies and rules and enforce them in a fair and consistent manner.
7. Act as role models for students.
8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner. Verbal reports must be made within one school day; written reports within two school days.

#### **E. BUILDING ADMINISTRATORS**

All building administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and school personnel have the opportunity to communicate regularly with the building administrator and approach the building administrator for redress of grievances.
3. Evaluate on a regular basis all instructional programs. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly, consistently and fairly.
5. Act as role models for students.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,

gender/gender identity, or sex, with an understanding of appropriate, appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (CAC).

## **F. SUPERINTENDENT**

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly, consistently and fairly.
6. Act as a role model for students.
7. Address all areas of school-related safety concerns.

## **G. BOARD OF EDUCATION**

The Board of Education is expected to:

1. Collaborate with Student, Teacher, Administrator, and Parent Organizations, School Safety Personnel and other School Personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, school personnel and visitors on school property and at school functions.
2. Adopt and review at least once each year the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will 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/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board of Education meetings in a professional, respectful, courteous manner.
5. Act as role models for students.

## **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary



responsibility for acceptable student dress and appearance. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that revealing garments such as tube tops, see-through tops, halter tops, one-shoulder shirts, skorts above mid-thigh, spaghetti straps, short shorts above mid-thigh, plunging necklines (front and/or back), bare midriff and see-through garments are not appropriate and should not be worn in a school environment. When standing, stomach, back and chest must be completely covered and no undergarments should be showing.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats/headwear from the start of the school day to the end of the school day, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or which denigrates others race, color, religion, ancestry, national origin, sex, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

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

## **VI. PROHIBITED STUDENT CONDUCT**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, school personnel and other members of the school community, and for the care of school facilities and equipment. After having considered a policy of zero tolerance, it was decided that such action would limit the discretion necessary to view each case individually. When considering cases involving violence the following factors should be considered:

- Age of the student
- Intent of the student
- Evidence of injury or physical damage

These factors all should be considered when deciding on the length of the student suspension.

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.

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act which disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in any school building without permission of the administrator in charge of the building.
  - 7. Misusing computer/electronic communications misuses, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
  - 8. Participating in off campus interactions that have an impact at school or creates a hostile environment.
  - 9. Unauthorized use of personal electronic devices/equipment (i.e. cell phones, MP3 devices, cameras, and other personal electronic devices) that are in violation of district policy.
  
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
  - 1. Failing to comply with the lawful directions of school personnel or otherwise demonstrating disrespect.
  - 2. Lateness for, missing or leaving school without permission.
  - 3. Skipping detention.
  
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
  - 1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
  - 2. Being late for school or class.
  - 3. Being unprepared for class.
  - 4. Violating District dress code.

- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school personnel.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person on school property.
  3. Possessing a weapon. "Weapon" means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of school personnel or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying School District property.
  8. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
  9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication:
    - a. Can reasonably be interpreted as a threat to commit an act of violence on school property, or
    - b. Results in material or substantial disruption to the educational environment
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Selling, using or possessing obscene material.
  4. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  5. Expectorating.
  6. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic substitutes and any substances commonly referred to as "designer drugs," or any drug paraphernalia.
  7. Sharing or inappropriately using prescription or over-the-counter drugs.

8. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.)
  9. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
  10. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
  11. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, extortion of money, overt teasing, etc.
  12. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
  13. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
  14. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
  15. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the District's Code of Conduct. Students must understand that transportation provided by the District is a privilege, not a right. Engaging in above activities will result in suspension of bus privileges.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
  - 1. Plagiarism
  - 2. Cheating
  - 3. Altering Records
  - 4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
  - 5. Violation of the District Acceptable Use Policy for technology.
  - 6. Assisting another student in any of the above actions.
  
- H. Engage in bullying, harassment or peer abuse (see Harassment Definition)

## **VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any school personnel who will immediately notify the Building Administrator or Superintendent. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

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

Any harassment, including bullying, should be reported according to the guidelines in the attached policies/regulations (Policy 7492).

## **VIII. DISCIPLINARY PROCEDURES, PENALTIES AND REMEDIAL ACTION**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

- 1. The student's age.
- 2. The nature of the offense and the circumstances which led to the offense.
- 3. The student's prior disciplinary record.

4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

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

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

## **A. PENALTIES**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning – Any school personnel
2. Written warning – Any school personnel
3. Written notification to parent – by Building Administrator or Superintendent (or designee) initiated by school personnel
4. Detention – Teachers, Building Administrator, Superintendent
5. Suspension from transportation – Building Administrator, Director of Transportation, Superintendent, or CSE Chairperson
6. Suspension from athletic participation – Coach, Athletic Director, Building Administrator, Superintendent
7. Suspension from social or extracurricular activities – Advisors, Building Administrator, Superintendent
8. Suspension of other privileges – Building Administrator, Superintendent
9. In-school suspension – Building Administrator, Superintendent
10. Removal from classroom by teacher – Teachers, Building Administrator, Superintendent consistent with consideration of regulations concerning students with disabilities.
11. Short-term (five days or less) suspension from school – Building Administrator, Superintendent, Board of Education
12. Long-term (more than five days) suspension from school – Superintendent, Board of Education
13. Permanent suspension from school – Superintendent, Board of Education

## **B. PROCEDURES**

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate 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.

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

**1. Detention**

Teachers, Building Administrators and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention if the detention is after school hours.

**2. Suspension from transportation**

School bus transportation exists for the safe and orderly transportation of student(s). To facilitate this, rules of conduct have been drawn up by the transportation supervisor and administration. Students who become a serious disciplinary problem will have their riding privileges suspended by the Building Administrator, CSE Chairperson, or Director of Transportation for up to 5 days. Suspension of over 5 days will be referred to the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. 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 full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Administrator or Director of Transportation to discuss the conduct and the penalty involved.

**3. Suspension from athletic participation, extra curricular activities and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Administrator or Athletic Director imposing the suspension to discuss the conduct and the penalty involved. Refer to Policy 7471 and Policy 7501.

**4. In-school Suspension**

Building principals are encouraged to use in-school suspensions as alternatives to out-of-school suspensions when, in their judgment, the educational and behavioral goals for the students can be accomplished in this

manner. When in-school suspension is used the student will be considered present for attendance purposes.

The Superintendent will develop a set of administrative regulations relative to in-school suspensions. These regulations will emphasize a positive approach in assisting students to maintain or improve their level of academic performance as well as to learn acceptable behavior patterns.

## **5. Teacher Removal of Disruptive Students**

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class consistent with regulations covering students with disabilities for up to 48 hours if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only. Short-term, time-honored classroom management techniques such as a "time out" setting in each building or in an administrator's office, or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

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

The teacher must complete a District-established referral form and meet with the Building Administrator 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 forms. If the Building Administrator is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Building Administrator prior to the beginning of classes on the next school day.



Within 24 hours after the student's removal, the Building Administrator must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Building Administrator to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the Building Administrator 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, teacher and Building Administrator.<sup>9</sup>

The Building Administrator or his/her designee may overturn the removal of the student from class if the Building Administrator 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.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Building Administrator or his or her designee must make a determination as to whether to overturn the removal within 48 hours of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Building Administrator makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

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

Each teacher must keep a complete log (on a District-provided form) for all cases of removal of students from his/her class. The Building Administrator must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, 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 Building Administrator 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.

Nothing in this section of the Code of Conduct abridges the customary right or responsibility of a Building Administrator to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom.

## **6. Suspension from School**

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

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

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

The Superintendent and/or Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or Building Administrator (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 will be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to 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. Notices must not be sent home with students.

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

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

After the conference, the Building Administrator shall promptly advise the parents in writing of his or her decision. The Building Administrator shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter they should appeal to the Superintendent of Schools. If not satisfied after this appeal, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education or suspensions by the Board of Education may be appealed to the Commissioner of Education within 30 days of the decision.

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

When the Superintendent or Building Principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board of Education and suspensions by the Board of Education 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 on school property or attending a school function.

**d. Suspension from BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**e. BOCES activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**f. Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

**C. MINIMUM PERIODS OF SUSPENSION**

**Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:**

**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, school personnel and/or others.
6. Other extenuating circumstances.

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on school grounds (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

A student with a disability has additional specific rights under Part 201 of the Commissioner's Regulations 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 onto school property, shall be subject to suspension from school for at least five days.

If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom**

Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) (Section B.5) on four or more occasions during a semester, will be referred to the RTI building team.

**Williamson Central School District – Progressive Student Management System**

	<b>Teacher/Support Staff Intervention</b>		<b>Administrative Action</b>		<b>Step System: Type I Behaviors</b>		<b>Step System: Type II Behaviors</b>
<b>Behaviors</b>	<p><i>Teachers are expected to handle routine discipline issues such as:</i></p> <ul style="list-style-type: none"> <li>Unprepared for class</li> <li>Having a Walkman, radio, CD player pager or other electronic device in school</li> <li>Class tardiness</li> <li>Disrupting instruction</li> <li>In hall without a pass</li> <li>Playing cards</li> <li>Cheating</li> <li>Wearing a hat in class</li> <li>Inappropriate attire</li> <li>Inappropriate physical contact</li> <li>Inappropriate language</li> </ul>	➔	<p><i>This level requires administrative action for more serious discipline issues and repeated offenses such as:</i></p> <ul style="list-style-type: none"> <li>Cafeteria Referrals</li> <li>Disrupting instruction</li> <li>Bus Referrals</li> <li>Class truancy</li> <li>Inappropriate attire</li> <li>Vulgar language</li> <li>Missing teacher-assigned detention</li> <li>School tardiness</li> <li>Repeatedly in hall without a pass</li> <li>Chronic lateness to school</li> </ul>	➔	<p><i>At this level, the Step System is initiated:</i></p> <ul style="list-style-type: none"> <li>Disruptive classroom behavior</li> <li>Misbehavior on all school grounds and buses</li> <li>Disrespect towards staff members</li> <li>Insubordination</li> <li>Repetition of behaviors in administrative action category could result in the behavior being considered a Step System offense</li> <li>Forgery</li> </ul>	➔	<p><i>At this level, the Step System is continued:</i></p> <ul style="list-style-type: none"> <li>Violation against public health or safety</li> <li>Use of obscene language to staff members</li> <li>Use or possession of drugs or alcohol</li> <li>Smoking</li> <li>Possession of weapon</li> <li>Fighting/assault</li> <li>Refusal to comply with administrative directive</li> <li>Stealing or extortion</li> <li>Violation against property</li> <li>Verbally or physically harassing or abusive behavior (copy to compliance officer)</li> </ul>
<b>Consequences</b>	<ul style="list-style-type: none"> <li>Reprimand or reminder</li> <li>Parent Contact</li> <li>Teacher Detention</li> <li>Referral to counselor</li> <li>Time out or team action</li> <li>Restitution</li> </ul>		<ul style="list-style-type: none"> <li>Administrative Action</li> <li>Community Service</li> <li>Restitution</li> <li>Reimbursement</li> </ul>		Step Assigned		Step Assigned Suspension
<b>Areas of Support</b>	<ul style="list-style-type: none"> <li>Teachers</li> <li>Support Staff</li> </ul>		<ul style="list-style-type: none"> <li>Principal</li> <li>Assistant Principal</li> <li>Counseling Services</li> </ul>		<ul style="list-style-type: none"> <li>Principal</li> <li>Assistant Principal</li> <li>School Psychologist</li> <li>Counseling Services</li> <li>Department of Social Services</li> </ul>		<ul style="list-style-type: none"> <li>Principal</li> <li>Assistant Principal</li> <li>Police</li> <li>School Psychologist</li> <li>Counseling Services</li> </ul>

**\*\*This Student Management System is a general guideline for student discipline. It is not inclusive of all possible behaviors or consequences. Some situations may warrant administrative judgment.**

Updated 2009

**Williamson Central School District EXAMPLES of TYPE I and II Behaviors**

<b>Examples of Type I behaviors</b>		<b>Examples of Type II behaviors</b>	
Disruptive classroom behavior Misbehavior on all school grounds and buses Disrespect towards staff members Insubordination Repetition of behaviors in administrative action category could result in the behavior being considered a Step System offense Forgery		Violation against public health or safety Use of obscene language to staff members Use or possession of drugs or alcohol Smoking Possession of weapon Fighting/assault Refusal to comply with administrative directive Stealing or extortion Violation against property Verbally or physically harassing or abusive behavior (coppliance officer)	
<b>For Type I incidents</b>		<b>For Type II incidents</b>	
Step 1	1 day detention	Step 1	3 -5 days of in or out of school suspension
Step 2	1 day detention	Step 2	3 -5 days of in or out of school suspension
Step 3	2 days detention	Step 3	3 -5 days of in or out of school suspension
Step 4	2 days detention. RTI referral	Step 4	3 -5 days of in or out of school suspension RTI referral
Step 5	3 days detention	Step 5	3 -5 days of in or out of school suspension
Step 6	3 days detention	Step 6	3 -5 days of in or out of school suspension
Step 7	1 day in-school suspension. CARE team referral	Step 7	3 -5 days of in or out of school suspension CARE team referral
Step 8	2 days in-school suspension	Step 8	3 -5 days of in or out of school suspension
Step 9	3 days in-school suspension	Step 9	3 -5 days of in or out of school suspension
Step 10	3-5 days of in-school suspension, possible Superintendent's hearing	Step 10	Superintendent Hearing

Students are able to move down a step if they remain off step for 15 school days. The 15 day limit may be adjusted by the building administrator at their discretion.

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

## **X. 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 of Education also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education 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.

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

### **A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES**

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

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.



2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board of Education, the BOCES District Superintendent, Superintendent of Schools, or a Building Administrator delegated the authority to suspend students 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 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, uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or cause serious bodily injury to another.
    - (1) "Weapon" means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon."
    - (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.

- (4) “Serious bodily injury” is that which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental facility.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial Hearing Officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. MANIFESTATION DETERMINATION**

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

1. By the Superintendent to change the placement to an interim alternative educational setting (IAES)
2. By an Impartial Hearing Officer (IHO) to place the student in an IAES, or
3. By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent’s right to have relevant members of the CSE participate at the parent’s request.

The manifestation team shall review all relevant information in the student’s file including the student’s IEP, any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or the conduct in question was the direct result of the District’s failure to implement the IEP.

### **1. Finding of Manifestation**

If it is determined, as a result of this review, that the student’s behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs, controlled substances, or serious bodily injury to another, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

## **2. No Finding of Manifestation**

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

## **3. Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, for subsequent suspensions or removals for 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

### **C. INTERIM ALTERNATIVE EDUCATIONSL SETTING (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

1. Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
2. Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a under the jurisdiction of the District controlled substance while at school, on school premises, or a school function under the jurisdiction of the District; or
3. Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

- a. Substantial risk of death;
- b. Extreme physical pain; or
- c. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

## **XI. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any school personnel is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

## XII. REMEDIAL ACTIONS

Appropriate prevention and intervention strategies such as:

### A. DISTRICT WIDE

- a. Developmental Assets survey administered to Grades 3 - 12. Community-wide assets building initiative undertaken using results of survey.
- b. Security cameras installed at each main entrance, in all high school hallways, middle school and elementary school cafeterias.
- c. Door access via identification cards, thereby providing keyless entry for staff. Staff is assigned a security level based on their position within the District.
- d. CARE Teams in each building address the social and emotional needs of students.
- e. Supportive Intervention
- f. Behavioral assessment or evaluation
- g. Behavioral management plans, with benchmarks that are closely monitored
- h. Student counseling and parent conferences
- i. Modifications of schedules
- j. Adjustment in hallway traffic and other student routes of travel
- k. Targeted use of monitors
- l. Staff professional development
- m. Parent conferences
- n. Involvement of parent-teacher organizations
- o. Peer support groups

### B. ELEMENTARY SCHOOL PROGRAMS

- a. **Project Try** – Project Try is an early intervention program, which services students in Grades K-3 who are experiencing behavioral, emotional, or learning difficulties. The intervention offers students 1:1 play therapy to address issues impacting their academic progress or emotional well being.
- b. **Delphi Program** – The Delphi Program is a program, which services students in Grades K-4 dealing with conflict resolution and drug and violence intervention.
- c. **Be Wise** – The Be Wise program is designed to focus the attention of the students on appropriate social behavior. The proponents of the Be Wise program are respecting others, respecting property, respecting the space of others, demonstrating friendliness and kindness and being helpful and kind.
- d. **Elementary Crisis Team** – This is a team comprised of 4-5 staff members that can be called in time of crisis to de-escalate the situation.
- e. **High School Mentoring** – This program is designed to match high school students with elementary students in a one-to-one mentoring situation to help building self-esteem and establish positive role models in the lives of the students.
- f. **Graduated Discipline Program** – This graduated step program involves the student, teacher, parent and administrator. This team works together to alter negative student behavior through pre-set consequences.
- g. **Olweus Program** – This program is a research-based strategy that focuses on consistent language and rules building-wide. All staff is trained, along with students, to recognize and speak up when they see acts of bullying. Incorporated into the program are the “School Rules Against Bullying”:
  - We will not bully others.

- We will try to help students who are bullied
  - We will include students who are easily left out.
  - When we know somebody is being bullied, we will tell an adult at school and an adult at home.
- h. **CARE Team** - a team of faculty members and support personnel trained to identify and assist high risk students who are having difficulty in school because of attendance, behavior, academic or health issues.

### C. MIDDLE SCHOOL PROGRAMS

- a. **Life Skills** – Delphi work with Grades 6 & 7 students on this drug and alcohol prevention program.
- b. **Conflict Resolution** – Available through Guidance Office.
- c. **Peer Mediation** – Available through Guidance Office.
- d. **Small Group Counseling** – Counseling available through PPS referral process.
- e. **Agenda Books** – Student agenda book carries the Code of Conduct and a section on character, as well as a system for hallway passes.
- f. **Graduated Discipline Program** - This graduated step program involves the student, teacher, parent and administrator. This team works together to alter negative student behavior through pre-set consequences.
- g. **Olweus Program** – This program is a research-based strategy that focuses on consistent language and rules building-wide. All staff is trained, along with students, to recognize and speak up when they see acts of bullying. **Incorporated into the program are the “School Rules Against Bullying”:**
- **We will not bully others.**
  - **We will try to help students who are bullied**
  - **We will include students who are easily left out.**
  - **When we know somebody is being bullied, we will tell an adult at school and an adult at home.**
- h. **CARE Team** - a team of faculty members and support personnel trained to identify and assist high risk students who are having difficulty in school because of attendance, behavior, academic or health issues.

### D. HIGH SCHOOL PROGRAM

- a. **Student Forum** – Every morning there is Administrative level discussions/announcements to all student body assembled in High School auditorium. Discussion of pertinent issues.
- b. **Link Leaders** – Student-led program to help deal with student issues.
- c. **Small Group Counseling** - counseling available through PPS referral process.
- d. **Agenda Books** – Student agenda book carries the Code of Conduct and a section on character, as well as a system for hallway passes.
- e. **CARE Team** – a team of faculty members and support personnel trained to identify and assist high risk students who are having difficulty in school because of attendance, behavior, academic or health issues.
- f. **Shadowing Experience** – This program provides high school students with shadowing experience in the field of teaching.
- g. **PBIS** – Positive Behavioral Interventions and Supports
- h. **Conflict Resolution** – Available through Guidance Office.
- i. **Peer Mediation** – Available through Guidance Office.

- j. **Graduated Discipline Program** - This graduated step program involves the student, teacher, parent and administrator. This team works together to alter negative student behavior through pre-set consequences.

### **XIII. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school personnel 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 personnel, nor are school personnel required to contact a student's parent before questioning the student. However, school personnel will tell all students why they are being questioned.

In addition, the Board of Education authorizes the Superintendent to conduct searches of students and their belongings if the authorized school personnel has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. An authorized building administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the Building Administrator has a legitimate reason for the very limited search.

A Building Administrator may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the school personnel, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. School personnel will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the Building Administrator should ask to get the student if he or she possesses physical evidence that they violated the law or the District code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. This applies to searches of property only. In cases of searches of a student's person, see "B" below.

#### **A. STUDENT LOCKERS, DESKS, OTHER SCHOOL STORAGE PLACES AND VEHICLES PARKED ON SCHOOL PROPERTY**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school personnel 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 personnel, without prior notice to students and without their consent. Student

vehicles allowed to park on school property or at school functions, are subject to search at the discretion of the Superintendent or Building Administrator.

## **B. SEARCHES OF PERSONS (ex: PAT DOWNS AND STRIP SEARCHES)**

Searches of person is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If a Building Administrator believes it is necessary to conduct a search of person of a student, the school personnel may do so only if the search is authorized in advance by the Superintendent. The only exception to this rule requiring advanced authorization is when the Building Administrator believes there is an emergency situation that could threaten the safety of the student or others.

Search of person may only be conducted by authorized school personnel of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the Building Administrator conducting a search of person must have reasonable suspicion to believe the student is concealing evidence of a violation of law or the District code. In addition, before conducting a search of person, the Building Administrator must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

The Building Administrator will attempt to notify the student's parent by telephone before conducting a search of person, or in writing after the fact if the parent could not be reached by telephone.

## **C. DOCUMENTATION OF SEARCHES**

The Building Administrator shall be responsible for promptly recording the following information about each search:

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

The Building Administrator shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Building Administrator shall retain control of the items, unless the items are turned over to the police. The Building Administrator shall be responsible for personally delivering dangerous or illegal items to police authorities.



#### **D. POLICE INVOLVEMENT IN SEARCHES, INTERROGATIONS AND REMOVAL OF STUDENTS**

School Personnel are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student, to conduct a formal investigation involving students or remove a student only if they have:

1. A search or an arrest warrant.
2. Probable cause to believe a crime has been committed on school property or at a school function, or
3. Been invited by school personnel

In all cases when police have an arrest or search warrant, the Superintendent may release the student to police.

#### **E. CHILD PROTECTIVE SERVICES INVESTIGATIONS**

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

All requests by child protective services to interview a student on school property shall be made directly to the Building Administrator. The Building Administrator shall set the time and place of the interview. The Building Administrator shall decide if it is necessary and appropriate for school personnel 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 personnel of the opposite sex or without same-sex witnesses.

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, only with the permission of the Superintendent.

### **XIV. VISITORS TO THE SCHOOLS**

The Board of Education encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other school personnel. Since schools are a place of work and learning, however, certain limits must be

set for such visits. The Building Administrator 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 school personnel or a student of the school will be considered a "visitor."
2. All visitors to the school must report to the Main Office in the building upon arrival at the school. They must state where they are going in the building. They will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge and sign out on the visit register to the Main Office in the building 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 Building Administrator and will be asked to leave by the Administrator. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

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.

### **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove District property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Create a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of, either on school property or at a school function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any lawful order of identifiable school personnel performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board of Education policy while on school property or while at a school function.

## **B. PENALTIES**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Depending on the severity, they may be banned from attendance at future events or on school property.
2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this Code of Conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law section 3020-1 or any other legal rights that they may have.
4. School personnel in the classified section of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.

5. School personnel other than those described in subdivisions 4 and 5. They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. ENFORCEMENT**

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other school personnel who are authorized to take action consistent with the code.

When the Superintendent or his/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 designated school personnel shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school personnel 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 designated school personnel 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 school personnel, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XVI. DISSEMINATION AND REVIEW**

### **A. DISSEMINATION OF CODE OF CONDUCT**

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

1. Providing copies of a summary of the Code of Conduct to all students in an age appropriate, plain language version at an assembly held at the beginning of the school year.
2. Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers and other school personnel with a copy of the Code and a copy of any amendments to the Code of Conduct as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the Code of Conduct available for review by students, parents and other community members.
6. In accordance with the Dignity for All Students Act, the Code of Conduct will be posted on the district's website.

On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy

of the Code will be filed in the Main Office of each school building, with Board of Education policy, where it will be available for review by any individual.

The Board of Education will sponsor an in-service education program for all school personnel to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District school personnel, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

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

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

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

## ANNOTATIONS

When the word “must” or “will” is used in this Code of Conduct, it means that the action described is mandatory and the at the designated actor is required to act.

1. This definition of “disruptive student” is taken from Education Law §3214(2-a)(b)
2. This Code of Conduct defines “parent” broadly to include guardians. This broader definition has been used to avoid having to say parent/guardian throughout the entire document.
3. This definition of “school property” is taken from Education Law §2801(1).
4. This definition of “school activity” is taken from education Law §2801(1).
5. This definition of “violent student” is taken from Education Law §3214(2-a)(a). The definition has been modified slightly in that statutory definition does not use the term “weapon.” Instead, the statute at one point refers to “a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death,” and at another it refers to “any instrument that appears capable of causing physical injury or death.” Given the breath of statutory language and the definition of weapon that is used in the sample Code of Conduct, we have simplified the definition of violent student used in the Code of Conduct by simply using the term “weapon.”
6. This definition of “weapon” is much broader than the definition used in the federal Gun-Free Schools Act of 1995. The term is broadly defined to keep all types of objects that can cause serious injury or death out of schools, and thereby enhance school safety.
7. The lists obviously do not contain all that is expected of these groups.
8. This Code of Conduct is to govern the conduct of students, teachers and other school personnel, and visitors (Education Law §2801(2)) and requires that the code contain provisions regarding dress while on school property (§2801(2)(a)).
9. Nothing prevents parties from *voluntarily* agreeing to alter time lines. The agreement, however, must be completely voluntary.
10. This portion of the Code of Conduct applies to disabilities under IDEA and Article 89 and to students who qualify as disabled only under section 504 of the Rehabilitation Act.

---

## APPENDIX 1

Date: xxxxx

XXXXXXXXXX

Address

Address

Re: xxx

Based on the conduct below, I find it necessary to suspend (Name) from school for (#) days, because the student's presence in school poses a continuing danger to persons or property, or an ongoing threat of disruption to the academic process. The suspension is based upon the following violation of the District Code of Conduct.

At (time) on (date) the student: *(Insert each alleged action by student warranting disciplinary suspension)*

Start date:

End date:

Return to school:

Conference with principal:

The student has been informed of the suspension and the reasons therefore. You have the right to an informal conference with me, and other school personnel as may be material, to discuss the alleged conduct described above and to provide me with your position, and/or the student's position, and to ask questions of the complaining witnesses.

If you wish such an informal conference, you must call me at (#). Such a conference must be held within 48 hours of your receipt of this notice, unless extenuating circumstances exist. You will lose the right to conference, except in extenuating circumstances, unless my office receives a telephone call from you or the student and a conference is scheduled by that time. I am referring this matter to Maria Ehresman, Superintendent of Schools. She will convene a Superintendent's Hearing for this issue if she deems appropriate.

The student may not attend school, be on school property or attend any extra-curricular school functions including dances, athletic competitions or practices, etc.) during the period of suspension unless expressly authorized in writing to do so by me as Principal.

The Counseling Office will notify you of arrangements to provide continuing instruction during the suspension.

Sincerely,

Principal

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## APPENDIX 2

Date: xxxxx

XXXXXXXXXX

Address

Address

Re: xxx

Based on the conduct below, I find it necessary to suspend (Name) from school for (#) days, because the student's presence in school poses a continuing danger to persons or property, or an ongoing threat of disruption to the academic process. The suspension is based upon the following violation of the District Code of Conduct.

At (time) on (date) the student: *(Insert each alleged action by student warranting disciplinary suspension)*

Start date:

End date:

Return to school:

Conference with principal:

The student has been informed of the suspension and the reasons therefore. You have the right to an informal conference with me, and other school personnel as may be material, to discuss the alleged conduct described above and to provide me with your position, and/or the student's position, and to ask questions of the complaining witnesses.

If you wish such an informal conference, you must call me at (#). Such a conference must be held within 48 hours of your receipt of this notice, unless extenuating circumstances exist. You will lose the right to conference, except in extenuating circumstances, unless my office receives a telephone call from you or the student and a conference is scheduled by that time. I am referring this matter to Maria Ehresman, Superintendent of Schools for a Superintendent's Hearing.

The student may not attend school, be on school property or attend any extra-curricular school functions including dances, athletic competitions or practices, etc.) during the period of suspension unless expressly authorized in writing to do so by me as Principal.

The Counseling Office will notify you of arrangements to provide continuing instruction during the suspension.

Sincerely,

Principal