Little Falls City School District

CODE OF CONDUCT
POLICY 1005

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Non-Discrimination Notice for Students and Prospective Students

Little Falls City School District does not discriminate on the basis of actual or perceived race, color, national origin, sex, disability, age, weight, ethnic group, religion, religious practice, sexual orientation, gender identity or expression, or other characteristic protected by federal or state law in its programs and activities, including but not limited to admission, access to and participation in educational programs, course offerings and student activities. The following persons at Little Falls City School District have been designated to handle inquiries regarding Little Falls City School District non-discrimination policies and the application of regulations prohibiting discrimination as they relate to students who have been discriminated against: Include relevant persons and their contact information(For example your Title IX Compliance officer, 504 compliance officer, etc) For further information on this notice of non-discrimination, or to inquire regarding the application of regulations prohibiting discrimination you may also contact the U.S. Department of Education Office for Civil Rights.

1
GENERAL INTRODUCTION

I. INTRODUCTION

A. The District establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with Article 2-A of the Education Law, the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioners Regulations and in collaboration with student, teacher, administrators and parent organizations, school safety personnel and other school personnel.

B. The Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and visitors is essential to achieving this goal.

C. 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.

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

II. APPLICABILITY

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

III. STUDENT RIGHTS AND RESPONSIBILITIIES

Little Falls City School students have all rights afforded them by Federal and State constitutions, statutes and regulations. The district reminds students that certain responsibilities accompany these rights.

2
ROLES, RIGHTS AND RESPONSIBILITIES FOR EACH MEMBER OF THE SCHOOL COMMUNITY

I. ROLE OF THE STUDENT

A. Student Rights

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

1. Learn in an environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

2. Be treated respectfully by those in the school community.

3. Participate equally in all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex;

4. Be provided with school rules, and, when necessary, receive an explanation of those rules from school personnel.

5. Be allowed to present their version of the relevant events of any event or incident to school personnel authorized to impose a penalty, in connection with the investigation into and potential imposition of any disciplinary penalty.

6. Have complaints about school-related incidents investigated and responded to.

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.

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), be in class on time, and be 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.

5. Respond to and comply with directions given by teachers, administrators, and other school personnel and school authorized adults, in a respectful and positive manner. Act and speak respectfully about issues/concerns.

6. Work to develop mechanisms to control anger.

7. Ask questions when they do not understand.

8. Seek help in solving problems that might lead to a disciplinary situation.

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. Report to the proper authorities as soon as possible any information they may have in their possession of a weapon, alcohol or illegal substance by a person or persons on school property, or a threat made by any person to do harm to another person or to property.

13. Use non-sexist, non-racist and other non-biased language.

14. Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

15. Use communication that is non-confrontational and is not obscene, profane, or defamatory.

16. Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others.

17. Adhere to the Code of Conduct.

II. ROLE OF THE PARENT & GUARDIAN

A. Duties and Responsibilities

To achieve a cooperative wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the responsibility of parents to:

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

2. Send their child to school (as required by the New York State Education Law) ready to participate and learn. The expectation is that each student should be well nourished, well rested, and given the safest and most supportive living environment that the parent and/or guardian can provide;

3. Ensure their children attend school regularly and on time, that their child(ren) are dressed and groomed in a manner consistent with the Student Dress Code, and make certain that all absences are properly excused (per student handbook requirements);

4. Provide for their child's health, well-being, personal cleanliness and suitable grooming and dress;

5. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for his/her actions;

6. Teach their child respect for law, for students, faculty, staff, and administration and for the rights and property of others, as is appropriate in a democratic society.

7. Know, understand and support the rules their child is expected to observe at school, at school sponsored events or functions, at a bus stop and on a school bus; help their children understand these rules; (to) be aware of the consequences for any violation of these rules; and (to) accept legal responsibility for their child's action;

8. Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments;

9. Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities, and by attending parent-teacher conferences and school functions;

10. Help their children deal effectively with peer pressure and emerging personal, social and emotional issues;

11. Inform school officials of changes in the home situation that may affect student safety, conduct or performance;

12. Provide accurate family information to the District, to include making sure that the District and the child's (children's) school has the parent/guardian's current address, and other information to insure the District's ability to make contact for emergencies and for educational purposes (e.g. phone numbers, e-mail addresses, names and phone numbers of emergency contact personnel). Emergency information and contact persons should be kept current, to include the names and phone numbers of all adults (over 18 years of age) who are allowed to pick-up the child(ren);

13. Respect and treat others with tolerance and dignity regardless of, but not limited to, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

14. Adhere to the Code of Conduct.

III. ROLE OF TEACHERS, TEACHERS' ASSISTANTS, AND PARAPROFESSIONALS

A. Duties and Responsibilities

In recognition of their charge in educating the children of our community, it shall be the responsibility of the teachers, teachers' assistants, and paraprofessionals to:

1. Maintain a climate of mutual respect and dignity for all students regardless of, but not limited to, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' self- concept and promote confidence to learn.

2. Reflect a personal enthusiasm for teaching and learning, demonstrate a genuine concern for the individual student, and conduct themselves as positive role models for the students.

3. Prepare and guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others;

4. Enable students to discuss their problems by listening to students, remaining open minded, and consulting student thoughts and recommendations in a decision making process;

5. Participate in the establishment of school rules and regulations regarding student behavior in school buildings, on school buses, and at all school activities; explain these rules to students and require observance of them in a fair and consistent manner;

6. Communicate to students and parents:

a. Course objectives and requirements
b. Marking/grading procedures
c. Assignment deadlines
d. Expectations for students
e. Classroom management plan

7. Refer to a counselor, school nurse, school resource officer, social worker, or administrator any student whose behavior requires special attention;

8. Communicate regularly with students, parents and other teachers concerning achievement and growth, classroom expectations, and their classroom discipline plan;

9. Seek to develop close cooperative relationships with parents and guardians for the educational benefit of the student by keeping open communication with the parent and/or guardian, to include sending communications home promptly and regularly;

10. Report orally to their principal, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report;

11. Adhere to the Code of Conduct.

IV. ROLE OF SCHOOL SUPPORT STAFF

A. Duties and Responsibilities

It shall be the role and responsibility of District support staff to:

1. Refer to a counselor, school nurse, school resource officer, social worker, or administrator any student whose behavior requires special attention;

2. Conduct themselves as positive role models;

3. Know school policies and rules, and enforce them in a fair and consistent manner;

4. Encourage students to participate in and benefit from the curriculum and extra- curricular programs offered by the District;

5. Adhere to the Code of Conduct.

V. ROLE OF GUIDANCE COUNSELORS, SCHOOL SOCIAL WORKER, AND SCHOOL PSYCHOLOGIST

A. Duties and Responsibilities

As the educational support service providers, the primary tasks of the guidance counselor, school social worker or school psychologist are to:

1. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function

2. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

3. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's or staff member's attention in a timely manner.

4. Initiate conferences, as necessary, between teacher, student and parents in order to promote success and/or resolve conflict;

5. Annually review with students their educational progress;

6. Provide information to assist students with career and college planning;

7. Encourage students to benefit from the curriculum and extra-curricular programs;

8. Refer to a school nurse, school resource officer, administrator or an outside agency, any student whose behavior requires special attention as soon as possible;

9. Report orally to their principal, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report;

10. Provide information to parents and/or guardians on support services available through the school and in the community;

11. Adhere to the Code of Conduct.

VI. ROLE OF BUILDING ADMINISTRATORS

A. Duties and Responsibilities

As the educational leaders of the school, administrators set (the disciplinary climate) a healthy and positive learning environment. It shall be their responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of, but not limited to, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' confidence and promote learning;

2. Seek to develop a safe, sound and helpful atmosphere of mutual respect within the school;

3. Ensure that students, parents and staff have the opportunity to communicate with the administrators;

4. Conduct themselves as positive role models for students and staff;

5. Evaluate on an ongoing basis, but not less than annually, all instructional programs to achieve a meaningful educational program;

6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly, consistently, and fairly;

7. Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify problems and seek solutions. Provide information to parents and/or guardians on support services available through the school and in the community;

8. Maintain open lines of communication between the school and the home;

9. Facilitate the professional development of staff members and support in-service programs;

10. Help staff self-evaluate their own ideals, procedures and attitudes in relation to their interactions within their classrooms;

11. Establish the line of administrative authority in the building in the absence of the administrator;

12. Each principal will maintain a file of disciplinary referrals from teachers and log each discipline case that come to them. The name of the student, teacher who referred the student, reason for referral, date of referral, and disposition of the case will be entered on the student management system;

13. Each principal will counsel the student referred to them as soon as possible and report the results of the conference to the teacher concerned;

14. The referring teacher or staff person should be available for a conference if the principal feels such action is necessary;

15. When a student is suspended the Superintendent will receive a copy of the letter sent to the parents by the building principal. The building principal will submit a written follow up report to the Superintendent as to action taken after the suspension;

16. Report orally to the district DASA Coordinator, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report;

17. Adhere to the Code of Conduct.

VII. ROLE OF THE SUPERINTENDENT & ASSISTANT SUPERINTENDENT

A. Duties and Responsibilities

As the educational leader of the school district, the Superintendent is responsible to:

1. Maintain a climate of mutual respect and dignity for all students regardless of, but not limited to, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' confidence and promote learning.

2. Seek to develop a safe, sound and helpful atmosphere of mutual respect within the school;

3. Review with district administrators and policies of the Board of Education and State and Federal laws relating to school operations and management;

4. Inform the Board about new educational trends. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;

5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly;

6. A record of discipline problems referred to him by the building principal will be maintained;

7. If a student continues to be insubordinate, disorderly or endangers the safety or health of others, the superintendent may convene a Superintendent's Hearing pursuant to Section 3214 of the Education Law;

8. Process in a timely manner all reports of harassment, bullying and/or discrimination, including ensuring that an appropriate investigation is conducted and appropriate reports are made to law enforcement.

9. Adhere to the District's Code of Conduct.

VIII. ROLE OF THE BOARD OF EDUCATION

A. Duties and Responsibilities

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

1. Establish District policy;

2. Adopt, support, and adhere to a clearly defined code of conduct;

3. Provide adequate numbers and kinds of personnel and sufficient building space, so that the conditions within the school are conducive to a positive learning environment;

4. Listen and react to the views of the total community;

5. Employ highly qualified personnel who are understanding, sensitive to, and genuinely interested in, young people;

6. Provide time for regularly scheduled in-service training for all employees;

7. Lead by example by conducting Board meetings in a professional, respectful, courteous manner;

8. Annually review the Code of Conduct

9. Adhere to the District's code of Conduct

3
STUDENT CONDUCT

I. STUDENT CONDUCT

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students will be bound by the Code of Conduct whenever they are on any school district property, or are engaged in or attending any school function, regardless of the time or reason(s) for their presence. Any direct or personal act or behavior which is prohibited under the Code of Conduct is also prohibited when performed by use of computers, the internet, cell phones, telephones, or other communications media when the communication originates from or ends on District property or at any school or school related function, or may in the judgment of District officials disrupt or interfere with the educational process; or pose a threat to the safety of any person lawfully on District property or at a school or school related function. Disciplinary consequences will be progressive in nature.

With regards to weapons, in particular, it is the intention of the Board through this Code to impress upon students that the mere possession of weapons is inherently dangerous to everyone in the school environment and therefore must not be brought onto school property or, if discovered, must be reported or turned into the school office immediately.

A weapon is defined as: a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box 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 physical injury or death when used to cause physical injury or death.

II. PROHIBITED STUDENT CONDUCT

The following list of prohibited behaviors is not exhaustive. It merely provides examples of the kinds of conduct which will result in disciplinary measures being taken against the individual(s) responsible. The district may also discipline students for misconduct not listed herein.

Students may be subject to disciplinary action, up to and including suspension from school for violations of the District's Code of Conduct.

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. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

5. Engaging in any willful act which disrupts the normal operation of the school community;

6. Trespassing. Students are not permitted in any school building other than the one they regularly attend, without permission from the administrator in charge of the building; and

7. Obstructing vehicular or pedestrian traffic, or loitering on school premises.

B. Engage in Conduct That is Insubordinate

Examples of conduct deemed insubordinate include but are not limited to:

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

2. Lateness for, missing or leaving school without permission;

3. Skipping detention;

4. Interference in the performance of duties of school personnel.

C. Engage in Conduct That is Disruptive

Examples of disruptive conduct include but are not limited to:

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

2. Failure to comply with dress code;

3. Unprepared for class;

4. Persistent disobedience;

5. Insubordination;

6. Tardiness;

7. Horseplay;

8. Disrespectful toward an administrator, faculty or other staff member.

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/or scratching) upon another student, faculty member, or any other person lawfully on school property or attempting to do so;

2. Possessing a weapon on school premises and/or school function or event;

3. Displaying what appears to be a weapon;

4. Threatening to use a weapon or such other device or item that is brandished as a weapon;

5. Threatening to cause bodily harm;

6. Intentionally damaging or destroying personal property, to include that of a student, teacher, administrator, other district employee or any person lawfully on school property;

7. Intentionally or with reckless indifference or disregard damaging or destroying School District property;

8. Fighting and/or using any form of physical force against another person;

9. Instigating a fight or the use of any form of physical force against another person.

E. Engage in Conduct That Endangers the Safety, Morals, Health or Welfare of Self or Others

Examples of such conduct include but are not limited to:

1. Miscellaneous

a. Lying to school personnel;

b. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;

c. Selling, sharing, forwarding, using or possessing obscene and/or profane material;

d. Using abusive language, cursing or swearing, using language or gestures that are profane, lewd, vulgar or abusive, or of a sexual nature;

e. Gambling;

f. Indecent exposure: the exposure to sight of the private parts of the body;

g. Initiating a report warning of fire and/or bomb threat, or other catastrophe, without valid cause;

h. Misuse of the "911" emergency response system;

i. Discharging a fire extinguisher or alarm; and
j. Inappropriate displays of affection;

k. Inappropriate use of computers.

2. Emotional Abuse

a. Defamation: which includes making false or unprivileged statements or representations or misrepresentations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;

b. Discrimination: which includes the use of, but is not limited to, race, color, weight, ethnic group, national origin, religion, religious practice, gender, sexual orientation, sex or disability as a basis for treating another in a negative manner;

c. Racist comments or any type of hate speech (spoken, written or otherwise displayed);

d. Harassment: which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements, either verbal or physical, directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning as defined in Appendix B of the Code of Conduct, labeled "Definitions."

e. Intimidation: which includes engaging in actions or statements that put an individual in fear of bodily harm;

f. Bullying: to include inappropriate, persistent behavior, which involves:

(1) threats to, or intimidation of, others;
(2) treating others cruelly, terrorizing, and/or coercing another individual or group of individuals; and/ or
(3) habitual put-downs and badgering of others (e.g. roasting);

Characteristics of bullying behavior may include:

(1) physical acts such as hitting or kicking;
(2) verbal acts such as using words to berate, hurt or humiliate; and
(3) relational behaviors such as maliciously spreading rumors and/or actively excluding a person from the peer group to cause emotional harm.

g. Hazing: committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. For the purposes of this hazing prohibition, a "student organization"

means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

Examples of the term hazing may include, but are not limited to:

(1) Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student).
(2) Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restrain or confinement, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
(3) Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation, that adversely affects the health or dignity of the students or discourages the student from remaining in school.
(4) Any activity that causes or requires the student to perform a task or act that involves violation of state or federal law or of school district policies or regulations.

h. Inappropriate physical contact of a sexual nature.

3. Illegal Substances and Substance Abuse

a. Possession or use of tobacco or tobacco products (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes or any vaping devise);

b. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, or being under the influence of alcohol;

c. Possessing, consuming, selling, distributing, or exchanging illegal substances, or being under the influence of illegal substances. "Illegal substances" include, but are not limited to, inhalants, marijuana, wax synthetic marijuana or cannabinoids, including but not limited to items labeled as incense, herbal mixtures or potpourri, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, bath salts, and any substances commonly referred to as "designer drugs";

d. Inappropriately using or sharing prescription medications, over-the-counter drugs, inhalants, herbal/ "natural" or any intoxicants of any kind when possession is unauthorized or such are inappropriately used or shared with others. Nothing herein shall be construed to apply to the lawful admission of a prescription on school property to the person for whom the prescription was written, provided usage of the medication is consistent with District policy;

e. Representing to any person, for the purposes of sale or distribution, that any substance, irrespective of actual composition, is an alcoholic beverage or an illegal substance, shall be deemed actionable within the meaning of this section as an attempted possession, possession sale or distribution of a prohibited product.

F. Misconduct on a School Bus /Transportation

It is crucial for students to behave appropriately while riding on district buses, public transportation, or public transportation facility, while in transit to and from school, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Acts such as excessive noise, standing, pushing, shoving and fighting will not be tolerated.

Students are expected to ride the appropriately assigned bus and get off at the appropriately assigned stop.

G. Academic Misconduct

Examples of academic misconduct include but are not limited to:

1. Plagiarism;

2. Cheating;

3. Copying;

4. Altering records; and

5. Assisting another student in any of the above actions.

H. Other

Instigating or encouraging another person(s) to violate the Code of Conduct.

In addition to the preceding standards of conduct, the District prohibits bullying, discrimination, and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse. We consider a hostile environment to be created when actions or statements directed at a student either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or with the student's mental, emotional, or physical well-being, including conduct that reasonably causes or would reasonably be expected to cause emotional harm, or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety.

This prohibition applies to all acts of discrimination, harassment or bullying that occur on school property or at a school function, as well as, to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that he conduct, threats, intimidation or abuse might reach school property.

The prohibition of discrimination includes, but is not limited to, threats, intimidation, or abuse based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

The prohibition of harassment includes sexual harassment, as defined in Policy #0015. All District policies can be found at https://www.lfcsd.org/district/b_o_e_policies

4
DRESS CODE

I. STUDENT DRESS CODE

A . Intent

It is the intent of the Dress Code to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society.

B. General Obligations

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.

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

The dress code applies at any time that students are on District property and attending a school function, wherever located.

C. Student's Dress and Appearance

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

1. Be safe, appropriate and not disrupt or interfere with the educational process;

2. Brief garments such as tube tops, net tops, halter-tops, strapless tops, spaghetti straps, plunging necklines, and see-through garments are not allowed. Straps on top must be at least two fingers wide. Clothing must meet common sense standards for decency.

3. Pajamas, lingerie, or lounge-wear may not be worn. Clothing that could be considered "cosplay," is not allowed. Cosplay is defined as a contraction of the words costume play, it is a hobby in which participants called cosplayers wear costumes and fashion accessories to represent a specific character.

4. Underwear and undergarments must be completely covered with outer clothing.

5. For school purposes, exposure of navels or buttock area, bare chest, or cleavage is not appropriate and not permitted, regardless of gender or sex.

6. Footwear must be worn at all times. Footwear that is a safety or health hazard will not be allowed. Slippers are not acceptable.

7. Heads shall not be covered except for medical, religious and/or school approved purposes therefore hats, sunglasses, bandanas, and hoods must be removed upon entering the building;

8. Pictures, logos, or words that are sexually suggestive, vulgar, profane, obscene, libelous, or denigrate others on the basis of race, religion, creed, national origin, gender, sexual orientation, or disability are not appropriate;

9. Clothing shall not promote or endorse the abuse of alcohol, tobacco, and/or illegal drugs; or encourage illegal or violent activities; and

10. Chains, spiked collars, or spiked bracelets may not be worn.

11. Clothing accessories such as heavy chains or spiked jewelry which pose a potential threat to student safety shall not be permitted;

12. Backpack and bags must be kept in student lockers, except as permitted by the school for medical purposes.

13. Notwithstanding all of the above, District Administration may address any clothing that does not meet common standards for decency for an educational setting.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

D. Violations of Dress Code

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 disciplinary action.

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.

II. STAFF DRESS CODE

Teachers and staff are expected to use their professional judgment to dress in a manner consistent with the duties and responsibilities of a public-school employee.

5

CELL PHONE & USAGE OF ELECTRONIC DEVICES

I. Please refer to Policy #7605

All District policies can be found at https://www.lfcsd.org/district/b_o_e_policies.

6
THE DISCIPLINE PROCESS

I. REPORTING AND RESPONDING TO VIOLATIONS

A. REPORTING POSSIBLE VIOLATIONS

All students that observe a violation of the code of conduct are expected to promptly report the violation to a teacher, counselor or principal.

Any student observing a weapon, tobacco, alcohol or illegal substance is to report this information immediately to a teacher, principal, assistant superintendent or superintendent, or School Resource Officer ("SRO").

Additionally, a student must report knowledge of someone making a threat of violence against another person or persons in the school.

District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn investigate the incident, impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any action taken with respect to a complaint initiated by a supervisor shall be reported back to the reporting staff person.

Any weapon, alcohol, tobacco, illegal substance, or any medication not authorized by a physician found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved.

Local law enforcement, or SRO, will be notified on all code violations that constitute a crime and substantially affect the order of safety and security within the school or on school grounds.

Initial notification to the parents may be made by telephone, followed by a letter that identifies the student, code violation and when appropriate, the possible crime violation.

The building principal or his or her designee will notify the appropriate local law enforcement agency, or SRO, 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 principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

All district staff members who are authorized to impose disciplinary measures are expected to do so in a prompt, fair and lawful manner.

B. Responding to Reports of Possible Harassment or Discrimination

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible discrimination, bullying, and/ or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the District's Equal Opportunity and Nondiscrimination Policy, #0015. All District policies can be found at https://www.lfcsd.org/district/b_o_e_policies

2. The District has also designated a Dignity Act Coordinator for each school. Those coordinators are:

Bart Tooley, Little Falls Assistant Superintendent, 315-823-1167
Leeann Dooley, Little Falls High School, 315-823-1167, ldooley@lfcsd.org
Maria Lindsay, Little Falls Middle School, 315-823-4300, mlindsay@lfcsd.org
Joe Long, Benton Hall Academy, 315-823-1400, jlong@lfcsd.org

The Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex. They are available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experienced treatment that may be prohibited discrimination or harassment.

C. No Retaliation for Reporting

1. No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of the Code.
2. There shall be no retaliation against any individual who, in good faith, reports or assists in the investigation of alleged harassment, bullying, and/or discrimination.

II. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

A. The Disciplinary Process

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; and

6. Other extenuating circumstances.

As a general rule, discipline will be progressive. The District may, however, impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Responses to acts of harassment, bullying and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as, intervention and discipline. We will consider the nature and severity of the conduct, the developmental age of the student engaging in the conduct, the actor's prior disciplinary record, and the impact of the conduct on the student at whom it was directed.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being considered for the violation(s) for which the student is charged. In all cases, regardless of the penalty being imposed, the school personnel authorized to impose the penalty must inform the student of the alleged

misconduct and are to investigate, to the extent necessary, the facts surrounding the alleged misconduct.

All students are to be given the opportunity to present their version of the facts surrounding the alleged violations to the appropriate school personnel prior to their imposition of a disciplinary penalty.
Written warning and/or written notification is to be given to the parent(s) or legal guardian(s) of a student who faces a penalty or penalties in excess of an oral warning.

C. Penalties and Who May Impose Them

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

1. Oral warning - any member of the district staff;

2. Written warning, or referral to the building principal - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principals, principal, assistant superintendent, superintendent, athletic director;

3. Written notification to parent - guidance counselors, teachers, assistant principals, principal, assistant superintendent, superintendent, athletic director;

4. Detention - teachers, assistant principals, principal, assistant superintendent, superintendent, athletic director;

5. Suspension from transportation - director of transportation, assistant principals, principal, assistant superintendent, superintendent, athletic director;

6. Suspension from athletic participation - coaches, athletic director, assistant principal, principal, assistant superintendent, superintendent, athletic director;

7. Suspension from social or extracurricular activities - activity director, assistant principals, principal, assistant superintendent, superintendent, athletic director;

8. Suspension of other privileges – assistant principals, principal, assistant superintendent, superintendent, athletic director;

9. In-school suspension – assistant principals, principal, assistant superintendent, superintendent, athletic director;

10. Removal from classroom - teachers, assistant principals, principal, assistant superintendent, superintendent, athletic director;

11. Short-term (five days or less) suspension from school – principal, superintendent, board of education;

12. Long-term (more than five days) suspension from school – superintendent, and board of education;

13. Permanent suspension from school – superintendent, board of education; and

14. Restitution (in the instance of vandalism or other actions that result in the damage of personal or school property) – superintendent and board of education.

D. Types of Disciplinary Penalties

1. Detention

Teachers, principals and the superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents will be notified of the detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring written notice of such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. 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 principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extracurricular activities and other privileges

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

4. Disciplinary Removal of Disruptive Students

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning.

As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school" suspension. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

In some instances, a student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include but are not limited to: (1) short-term "time out" in a supervised location; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct:

a. A disruptive student is a student who is disruptive of the educational process or interferes with the teacher's authority over the classroom.

b. A disruption of the educational process or interference with a teacher's authority occurs when a student demonstrates an unwillingness to comply with the teacher's instructions or violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for no more than two days. The removal from class applies to the class of the removing teacher only.

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

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

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

Within 24-hours after the student's removal, the principal, or another district administrator designated by the principal, must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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.

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight hours of parent notification. If the forty-eight-hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the pupil's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

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

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

Each teacher must record all cases of removal of students from his or her class in the student management system. Each principal must record all cases of removal of students from his or her class in the student management system.

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

5. Suspension from school

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate

attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a. Short-term (five days or less) suspension from school

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within ten business days of

the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

b. Long-term (more than 5 days) suspension from school

When the superintendent 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, at 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 or reject all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within ten (10) business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within thirty (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 wellbeing of other students, school personnel or any other person(s) lawfully on school property or attending a school function.

6. Minimum Periods of Suspension

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

Any student, other than a student with a disability, who is repeatedly disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days.

If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five (5) 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 (1) year suspension for possessing a weapon.

b. Students who commit violent acts

Any student, other than a student with a disability, who is found to have committed a violent act, will be subject to suspension from school for a period of at least five (5) days. If the proposed penalty is the minimum of a five (5) day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five (5) day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five (5) day suspension on a case-to-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one (1) year suspension for possessing a weapon.

c. 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 (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age;

2. The student's grade in school;

3. The student's prior disciplinary record;

4. The superintendent's belief that other forms of discipline may be more effective;

5. Input from parents, teachers and/or others; and

6. Other extenuating circumstances.

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

E. Referrals

1. Counseling

The Guidance Office, and/or social worker, shall handle all referrals of students to counseling. Resources include, but are not limited to, School Resource Officer, Social Worker, Psychologist the Neighborhood Center, and any other available community agency.

2. Person in Need of Supervision (PINS) Petitions

The district may file a PINS (Person in Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

a. Being habitually truant and/or not attending school as required by part one of Article 65 of the Education Law;

b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; or

c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

a. Any student under the age of 16 who is found to have brought a weapon to school; or

b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

F. 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 with due regard for the nature and circumstances of the particular case.

7
DISCIPLINE OF STUDENTS WITH DISABILITIES

I. GENERAL

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973—enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes as defined by law.

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

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

II. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES

A. Definitions: For purposes of this section of the code of conduct, the following definitions apply.

"Behavioral intervention plan (BIP)" means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

"Controlled substance" means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

"Disciplinary change in placement" means a suspension or removal from a student's current educational placement that is either:

a. For more than 10 consecutive school days; or

b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a

school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

"Illegal drug" means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

"Interim alternative educational setting (IAES)" means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student (1) to continue to progress in the general curriculum, (2) 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, (3) and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

"Manifestation review" means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement and conducted in accordance with requirements set forth later in this policy.

"Manifestation team" means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.

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

"School day" means any day, including a partial day, that students are in attendance at school for instructional purposes.

"Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or

protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Student presumed to have a disability" for discipline purposes means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

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

"Weapon" means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length

III. Authority of School Personnel to Suspend or Remove Students with Disabilities

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

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

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

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or

2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or

3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

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

A. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.

2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a nondisabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

B. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

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

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or

2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

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

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

C. Parental Notification of a Disciplinary Change of Placement

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

D. Authority of an Impartial Hearing Officer to Remove a Student with a Disability

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

E. Manifestation Review

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

1. The Superintendent to change the placement of a student to an IAES;

2. An impartial hearing officer to place a student in an IAES; or

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

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

1. Caused by or had a direct or substantial relationship to the student's disability, or

2. The direct result of the district's failure to implement the student's individualized education program.

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

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

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

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

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

F. Services for Students with Disabilities during Periods of Suspension or Removal

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

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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

In such an instance, the committee on special education will determine the appropriate services to be provided.

G. <u>Students Presumed to Have a Disability for Discipline Purposes</u>

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

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

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

2. The student's parent has requested an evaluation of the student; or

3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

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

1. The student's parent has not allowed an evaluation of the student; or

2. The student's parent has refused services; or

3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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

subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension

H. Expedited Due Process Hearings

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

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;

2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;

3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or

4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

I. Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student

are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

8
REASONABLE FORCE

I. REASONABLE FORCE

The District recognizes the responsibility of all school personnel, including administrators, faculty and other employees, to see that proper standards of school behavior are maintained. All school personnel are expected to help in maintaining proper levels of supervision.

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

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

A. To protect oneself, another student, teacher, or any other person from physical injury.

B. Protect the property of the school or others.

C. 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.

Ref.: 8 NYCRR Sections 19.5(a)-(c); 100.2(1)(3)(i).

9
PERSONAL SEARCHES AND INTERROGATIONS

I. GENERAL

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

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

In addition, the board authorizes the superintendent, building principals, the school nurse and district resource officers to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct. Searches may be conducted, upon reasonable suspicion, on school property, or during school functions. This would include searches of lockers, hotel rooms, vehicles or other facilities used by students during school sponsored trips, athletic or academic events, in which case the staff-member chaperones or coaches involved in such activity shall be deemed to have the same authority to act that applies to a school administrator on school property.

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

Before searching a student or the student's belongings, the authorized school official(s) should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district Code of Conduct or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

II. TYPES (LOCATIONS) OF SEARCHES

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent, including the use of drug and bomb sniffing dogs and metal detectors where deemed appropriate. Each student is deemed responsible for the contents of his or her locker.

B. Personal Searches

In general, strip searches will not be conducted by school personnel. However, if the authorized school official considers the situation necessary (ie: safety and urgency require the search). The student's parent, where practicable, will be asked to assist with such a search conducted by law enforcement officials.

III. DOCUMENTATION OF SEARCHES

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

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

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from

the student and retain control of the item(s), until the item is turned over to the police. The principal or his/her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

IV. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS

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

A. A search or an arrest warrant; or

B. Probable cause to believe a crime has been committed on school property or at a school function; or

C. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent(s) cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted unless a crime has been deemed committed on school property or at a school function. The principal or his or her designee will also be present during any police questioning or search of a student on school property or at a school function.

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

A. They must be informed of their legal rights;

B. They may remain silent if they so desire; and

C. They may request the presence of an attorney.

V. CHILD PROTECTIVE SERVICES INVESTIGATIONS

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if 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.

10
VISITORS TO THE SCHOOL

I. GENERAL

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

A. A visitor shall be defined as anyone who is not a part-time or full-time staff member or a student of the school.

B. All visitors to the school must report to a designated office upon arrival at the school. There they will be required to enter through the designated single point of entry, present photo-identification, 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 visitors must sign out in the office before leaving the building.

C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

D. Parents who wish to visit a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building principal, so that class disruption is kept to a minimum.

E. Visitors are not allowed to take class time, or time away from school functions, to discuss individual matters with teachers.

F. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

G. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct; and any additional rules or regulations imposed from time to time in connection with emergencies declared by the District, City, County, or State officials for any reason; or relating to alerts issued by the U.S. Department of Homeland Security.

II. IN-SERVICE EDUCATION PROGRAMS

At the start of each school year, the District shall provide all staff with in-service education regarding District policy for conduct on school grounds and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

III. REGISTERED SEX OFFENDERS

A. A Registered Sex Offender, that being a person who has been convicted of a sexual offense as defined by the provisions of Section 130.00 of the Penal Law of the State of New York, and has been designated a Level 2 or 3 Sex Offender as defined under the provisions of Article 6-C of the New York State Correction Law, shall not be allowed onto any school property and/or attend a school related function without the prior express approval of the District Superintendent or his designee.

B. The Superintendent may impose such restrictions and/or limitations upon a Level 2 or 3 Registered Sex Offender's ability to enter onto school property and/or attend a school related function as may be reasonable and deemed in the best interest of the District and its students.

11
PUBLIC CONDUCT ON SCHOOL PROPERTY

I. GENERAL

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

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, not to prevent or restrain controversy or dissent.

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

II. <u>PROHIBITED CONDUCT</u>

No person, either alone or in concert with others, shall:

A. Intentionally injure any person or threaten to do so;

B. Commit acts which threaten the safety and welfare of persons on or at a school or educational facility/ property, or at school functions;

C. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;

D. Use or remove District property, or property under its jurisdiction, without authorization;

E. Obstruct or disrupt the teaching, research, administration, disciplinary procedures, (Disrupt the orderly conduct of classes,) school programs or other school district activities;

F. Deliberately disrupt or prevent the peaceful and orderly conduct of classes. Lectures and meetings, or deliberately interfere with the freedom of any person to express his or her views, including invited speakers;

G. Distribute or wear materials on school grounds or at school functions that are obscene, profane, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

H. Intimidate, harass, discriminate, or bully any person on the basis, but not limited to, of one's actual or perceived race, color, creed, national origin, religion, age, gender, sexual orientation, disability, sex, weight, or ethic group;

I. Enter upon, or remain in, any building, facility, or any portion of the school premises without authorization, enter into any building or facility prior to its normal opening or remain in any building or facility after it is normally closed, without authorization;

J. Obstruct the free movement of any person in any place to which this Code applies;

K. Be insubordinate to or use abusive language to and/or refuse to obey the reasonable requests and/or directions, of an administrative official, officer, teacher or school staff member of a school or educational facility;

L. Refuse to identify himself/herself to school personnel;

M. Violate the traffic laws, parking regulations or other restrictions on vehicles, including the use of snowmobiles, ATV's or other such motorized vehicles;

N. Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco products, controlled substances, over the counter or prescribed medications, inhalants, herbal/"natural" or any intoxicants of any kind, or be under the influence of either on school property or at a school function;

O. Have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm, knife or weapon, whether or not a license to possess the same has been issued to such person, without the written authorization of the Superintendent. Peace officers in the performance of their duties are precluded from this prohibition;

P. Loiter on or about school property;

Q. Gamble on school property or at school functions;

R. Refuse to comply with any reasonable order of identifiable school district officials performing their duties; and

S. Willfully incite others to commit any of the acts prohibited by this Code.

T. Violate any federal or state statute, local ordinance, or Board of Education policy.

III. PENALTIES

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

A. Visitors. Any individual authorized to be on school premises or at a school function (other than students or staff) who violates the rules of this code of conduct will be directed to leave the premises and/or function. Repeat offenders may be banned from future events and/or functions for a period to be determined by the Superintendent.

B. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements. Repeat offenders may be banned from future events and/or functions for a period to be determined by the Superintendent.

C. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

D. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to warning, reprimand, and/or 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.

E. Staff members other than those described in subdivisions c and d. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

IV. ENFORCEMENT

The Administrator or Superintendent, or his or her designee, shall be responsible for enforcing the conduct required by this code. Designees include: an administrator, teacher, director, advisor, coach, chaperone, security officer or police officer.

When the administrator, or his or her designee, sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate

threat of injury to persons or property, the administrator or his or her designee shall tell the individual that the conduct is prohibited. (The administrator, or his or her designee, shall also warn the individual of the consequences for failing to stop.) If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the administrator, or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, police personnel will be contacted to assist in removing the person.

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

The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary to address the behavior of the violator, to include applying to a court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

12
DISSEMINATION AND REVIEW OF THE CODE OF CONDUCT

I. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board of Education shall ensure community awareness of these provisions and of the Code of Conduct by:

1. Posting the complete Code of Conduct, respectively, on the District's Internet Web site, including any annual updates or amendments thereto.

2. Provide copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language.

3. Provide a plain language summary of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request.

4. Provide each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment.

5. Make complete copies of the Code of Conduct available for review by students, parents or persons in parental relation to students, other school staff, and community members.

6. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or school employees.

7. Provide "safe and supportive school climate concepts" in the District curriculum.

The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to that supports development of a school environment free of harassment, bullying and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying and/or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. Such component shall

instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

B. Age Appropriate Restatement Of Policy

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex, or any other reason.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex, or any other reason. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

C. Review

The board of education will review this code of conduct every year and update it as necessary (Education Law §2801(5)). In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board 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 adopting any revisions to the code, the board of education will hold at least one public hearing at a regular board meeting which school personnel, parents, students and any other interested party may participate (Education Law §2801 5) (a)).

The code of conduct and any amendments to it will be filed with the Commissioner no later than thirty (30) days after adoption (Education Law §2801 (5) (b)).

APPENDIX A

STUDENTS' RIGHTS AND RESPONSIBILITIES

It shall be the right of each student …	**It shall be the responsibility of each student…**
To have a safe, healthy, orderly and courteous school environment	To contribute to an orderly learning environment and to show due respect toward others and property
To take pare in all district activities on an equal basis regardless of, but not limited to, race, color, creed, national origin, gender, sexual orientation, or disability	Whether participating or attending school sponsored activities, to conduct oneself to the highest standard of behavior, demeanor and sportsmanship
To attend school and have an opportunity to participate in school programs	To be on time to school and class everyday unless legally excused
To have access to school rules and when necessary receive an explanation of those rules from school personnel	To work toward the highest level of achievement in all academic and extra-curricular pursuits
In all disciplinary matters, to present relevant facts to school personnel authorized to impose a disciplinary action	To be familiar with all and abide by al district policies, rules, and regulations pertaining to student conduct
To express opinions as long as the expressions do not infringe upon the rights of others or disrupts school operations.	To dress in accordance with the standards set by the district code of conduct
	To promptly report all violations of the district code of conduct to school personnel
	To react to direction given by school personnel in a respectful, positive manner and to maintain self control for the purpose of preserving self dignity

APPENDIX B

DEFINITIONS

For purposes of this code, the following definitions apply.

"Administrators" mean the superintendent, assistant superintendent, the building/program administrators (such as principals, assistant principals, and athletic directors), District-wide administrators, the director of pupil personnel and safety.

"Applicable Law" means any federal, state, or local law, regulation, rule or order applicable to the situation so described.

"Assault" means intentionally causing or attempting to cause physical injury to another person, with or without use of a weapon, and includes inadvertent physical injury to an individual other than the intended victim.

"Bias Related" means any incident which is motivated by hate due to some characteristics or perceived characteristics of the victim, including race, gender, religion, color sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, and/or disability. Any act, or attempted act, is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs or bigoted epithets, vandalism, force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim.

"Bomb Threat" shall include a telephone, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property.

"Building/Program Administrator" includes building principals, vice-principals, assistant–principals, and program administrators.

"Certified/professional staff" means all teachers, counselors, psychologists, speech pathologists, and certified or licensed individuals who are employed by the District, or under contract or assignment to the District.

"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 the IDEA.

"Cyberbullying" means harassment, or bullying that occurs through any form of electronic communication.

"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.

"Disruptive student" (from Education Law §3214(2-a) (b)) means an elementary or secondary student under the age of 21 who is disruptive of the educational process or who interferes with a teacher's ability to present an educational program to the remaining students in the classroom and/or undermines the teacher's authority over the classroom. A "disruption" of the educational process or "interference" with the educational program occurs when a student demonstrates an unwillingness to comply with the teacher's instructions or interferes with the education of other students, or with the teacher's ability to present materials and otherwise provide for the educational needs of other students.

"District personnel" means all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in its operation of its programs and/or the delivery of services. The term "District personnel" includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, the terms "District personnel" and "school personnel" are synonymous.

"District Rules" means all District and Board policies, rules, regulations, and procedures, including this Code and any such additional rules, regulations and procedures supplemental to but consistent with this Code, which may be enacted at the building level for application to specific schools or property.

"Gang Related" means any incident that is gang motivated or if gang membership caused the incident or contributed to actions that occurred during an incident. A gang is defined as an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity.

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

"Harassment or bullying" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying as defined in Education Law section 11(8), that either:

1. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or

mental, emotional or physical well-being; including conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or

2. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. This Code applies to all acts of harassment or bullying that occur on school property or at a school function, as well as, to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that he conduct, threats, intimidation or abuse might reach school property.

"Sexual Harassment" Please refer to Policy 0015

"Hazing" is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term "hazing" includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.

"Illegal Drugs" means any 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 other federal law.

"Instruments used as a weapon" are items not included in the definitions of

"weapon" as set forth herein, and which are objects not normally considered to be weapons (e.g. such student tools as scissors, pens, pencils, etc., or furniture, padlocks, trays, books, etc.) when such objects are intentionally used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result.

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

"Physical injury" means any impairment of physical condition, or intentional infliction of pain.

"School personnel" means any part-time or full-time employee of the school district.

"School function" means any school-sponsored curricular or extra-curricular event or activity, on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips or events.

"School property" (§2801(1)) 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.

"Sexual Orientation" means a person's actual or perceived heterosexuality, homosexuality, or bisexuality.

"Student" means any individual enrolled in a District program, which may include adults enrolled in adult education or other special programs ("adult students"), and individuals under the age of 21 who have not yet graduated from school as contemplated under applicable law.

"Student with a disability" means a student with a disability defined in Section 4401(1) of Education Law who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who because of mental, physical or emotional reasons requires special services and programs to meet their educational needs.

"Under the influence of alcohol or drugs" A student shall be considered "under the influence" if he or she has used any quantity of alcohol or an illegal substance within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function, and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

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

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

Tobacco and tobacco products are not to be considered as drugs under this definition.

"Violent student" (in part from §3214 (2-a) (a)) means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts or threatens to do so. The threat of bodily harm (i.e.: "I'm going to hurt/kill you", for example) shall be deemed to be an act of violence, if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to or is likely to occur;

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, or attempts to do so. The threat of bodily harm, as described above, shall also be deemed an act of violence;

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 a teacher, any school employee, or any person lawfully on school property or at a school function; and

7. Knowingly and intentionally damages or destroys school district property.

"Violent or disruptive incident" shall mean one of the following categories of incidents that occur on school property, or at a school function, or which involves school property or functions by virtue of use of any medium of communication including telephone, radio, or computer-based communication:

1. Weapons possession;

2. Homicide, meaning any conduct which results in the death of another person;

3. Personal injury and/or intimidation, which shall be defined as set forth in the Regulations of the State Commissioner of Education, and shall be deemed to include incidents such as assault; criminal harassment; intimidation or "bullying", including threatening, stalking or seeking to coerce or compel a person to do something; menacing; kidnapping; sexual offenses, including

rape, sodomy, sexual abuse or other inappropriate contact of a sexual nature; the use, possession or sale of drugs or alcohol, prohibited by this Code or by law, including having such substances on a person, or in a locker, book bag, packs, purses, or carry-alls, or functionally equivalent items; theft; behavior risking injury, including bomb threats, false alarms, arson, riot, burglary or criminal mischief.

"Visitor" means anyone who is not a part-time or full-time employee of the school district or a student of the school.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act or the Education Law Section 3214(3)(d). It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised or imitation gun, loaded or blank cartridges or other ammunition, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or any other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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