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# CODE OF CONDUCT 2022-2023

Altmar-Parish-Williamstown  
Central School District

District Office

639 County Route 22 • Parish, NY 13131

Adopted by the APW Board of Education: \_\_\_\_\_

*A safe and positive school climate is required for students to learn. It is the responsibility of everyone in our APW community including students, faculty, and staff, to report any incidents of harassment encountered. We must work together to ensure that each of our students can focus on learning free from concerns of harassment in any of its forms.*

*Lynn K. Rhone, Superintendent*

**“Academics at its Best - Pursuit of Excellence - Where Students come First”**

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## I. Introduction

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 other visitors is essential to achieving this goal.

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

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the district stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall provide that the course of instruction in grades Pre-K through 12 includes a component on civility, citizenship and character education in accordance with Education Law, with an emphasis on discouraging acts of harassment, bullying and/or discrimination. Character education is the deliberate effort to help students understand, care about and act upon core ethical values.

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 see to it that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this code of conduct (“code”) in accordance with board policy 3410.

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

## II. Definitions

For purposes of this code, the following definitions apply.

1. **“Principal”** is defined as the building principal, or that person acting in the principal’s absence.
2. **“Act of violence”** is an act against a person that includes, but is not limited to, biting, hitting, kicking, punching, pushing and shoving, and scratching.
3. **“Disruptive student”** means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the staff member’s authority over the classroom.
4. **“A substantial disruption”** of the educational process or a substantial interference with a staff member’s authority occurs when a student is grossly insubordinate or disrespectful; demonstrates a persistent unwillingness to comply with a staff member’s instructions; or repeatedly violates the school or classroom behavior rules.
5. **“Illegal/Inappropriate/Prohibited Substances” include but are not limited to: inhalants, marijuana, synthetic “marijuana” cannabinoids (synthetic cannabinoids consist of plant material coated by chemicals that mimic THC, the active ingredient in marijuana), cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, look-alikes, alcohol, tobacco, energy drinks, and prescription or over-the-counter drugs when possession or use has not been authorized in accordance with District policy and procedure or such are inappropriately used or shared with others. Smokeless**

vaporized tobacco products and all associated paraphernalia included but not limited to Juul pods, CBD oil, etc.

6. **"Controlled substance"** means a drug or other substance identified in certain provisions of the federal Controlled
7. Substances Act specified in both federal and state law and regulations applicable to this policy.
8. **"Illegal drugs"** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
9. **"Under the Influence"** A person shall be considered if he or she has used any quantity of an inappropriate 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.
10. **"Chain of Command"** is a list of people that are put in place in sequential order to solve a problem.
11. **"Sexual Orientation"** is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.
12. **"Harassment/Intimidation"** is repeated, unprovoked aggressive behaviors of a physical or psychological nature, carried out against an individual or a group of individuals that result in harm or injury to the individual or the group. If it involves peer harassment, the behavior must be unwelcome by the recipient and have the effect of creating a hostile environment. Harassment/Intimidation is further defined as any communication (verbal, written, or graphic), gesture and/or physical contact based on an individual's actual or perceived race, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, or disability; or distinguishing characteristic or by any other status protected by local, state, or federal law.
13. **"Bullying"** in general is defined as: "a variety of negative acts carried out repeatedly over time." However, a single negative act may also constitute bullying based on particular circumstances such as the seriousness of the act and/or the intent of the actor. "Internet bullying" also referred to as "cyber-bullying" includes, but is not limited by definition to, the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such infringes upon the general health, safety and welfare of District students or employees and/or interferes with the operation of the school.
14. **"Hazing"** is defined as the performance of any act or the coercion of another to perform any act of initiation that causes or creates a risk of humiliation or dangerous activity, or that risks inflicting mental or physical harm. Permission, consent or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in the policy.
15. **"Teacher removal of a student from a class"** refers to when a classroom teacher removes a disruptive student from the class for up to two days. This applies to the class of the removing teacher only.
16. **"Parent"** means parent, guardian, or person in parental authority to a student.
17. **"School property"** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
18. **"School function"** means any school-sponsored extra-curricular event or activity.
19. **"Threat"** means an expression of intention to cause harm, do violence, intimidate, or punish.
20. **"Violent student"** means a student under the age of 21 who:
  - a. Commits an act of violence upon a school employee, or attempts to do so.
  - b. Commits, while on school district property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.
  - c. Possesses, while on school property or at a school function, a weapon.

- d. Displays, while on school property or at a school function, what appears to be a weapon.
  - e. Threatens, while on school property or at a school function, to use a weapon.
  - f. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  - g. Knowingly and intentionally damages or destroys school district property.
21. **“Weapon”** means a firearm as defined in 18 USC §921(a) and 18 USC §930(g) (2) for purposes of the Gun-Free Schools Act and the District weapons policy. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, paint ball gun, disguised gun, air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge, 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 look-alikes (i.e., fake items made to look like any of the aforementioned or other weapon or any object that could be considered a reasonable facsimile of a weapon), pocket pen or other knife, or other device, instrument, material, or substance (“other Item”) that can cause physical injury or death when used, or when such other item is brandished as a weapon.
22. **“Plagiarism”** is the use or close imitation of the language and ideas of another author and representation of them as one’s own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.
23. **“Copyright”** is the exclusive legal right to reproduce, publish, and sell the matter and form of a literary, musical, or artistic work. Copyright infringement occurs when the copyright owner’s rights are violated; when someone other than the copyright holder copies the “expression” of a work; i.e., when the “infringing” work is substantially similar to the copyrighted work. This means that the idea or information behind the work is not protected but how the idea is expressed is protected.
24. **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

### III. Dignity for all Students Act

#### Purpose

The Dignity for all Students Act (“The Dignity Act” or “DASA”) was enacted in response to the increasing number of incidents involving harassed, ostracized and socially isolated students who, as a result of their maltreatment, engaged in dangerous behavior. The Dignity Act was signed into law to create a safe learning environment for our state’s public school students.

#### Prohibited Conduct

Under The Dignity Act, no student shall be subjected to discrimination based on their: *actual or perceived race; color; weight; national origin; ethnic group; religion; religious practice; disability; sexual orientation; gender (including gender identity, gender non-conformity, or gender expression), or sex (in accordance with board policy 7203).*

The Dignity Act prohibits those acts of harassment, bullying, cyber-bullying that occur off school property, where such acts create or would foreseeably create a risk of substantial disruption within the school environment; where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. A violation occurs when an action or actions and/or behavior adversely affect the educational process and/or endangers the health, safety or morals of students; subjects the student to a hostile school environment (i.e., when the conduct of another has unreasonably and substantially interfered with a student’s education performance, opportunities, or benefits, or mental, emotional and/or physical well-being), and may be subject to disciplinary consequences. A violation also occurs when discriminatory conduct of another causes physical injury or fear for one’s physical safety

**Application**

The Dignity Act and this Code apply to all incidents on school grounds, including but not limited to, a school building, athletic playing field, playground, parking lot, school bus, District vehicle) and to cyber-bullying, or any conduct prohibited by this Code occurring off campus that is disruptive to the educational environment or negatively affects students or adults in the educational environment; The Dignity Act also applies to public school functions (school extracurricular events or activities – on or off school property).

**Dignity Act Coordinator (DAC)** – The Dignity Act requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]. Staff who know or have reasonable knowledge of acts of discrimination and/or harassment must report such incidents by completing a DASA Form and submit the form to the staff member and the DASA Coordinator; students who have witnessed such acts of discrimination and/or harassment must report such incidents to the staff member and the DASA Coordinator. Building and District DASA Coordinator (DAC) contact information is provided below.

<b>District DASA Coordinator</b>	
Dr. Naomi Ryfun, Assistant Superintendent (315) 625-5274 • nryfun@apw.cnyric.org	
<b>APW Elementary School</b>	<b>APW JR/SR High School</b>
Ms. Crystal Reynolds, DASA Coordinator (315) 625-5260•creynolds@apw.cnyric.org	Ms. Jennifer O'Malley, DASA Coordinator (315) 625-5221~jomalley@apw.cnyric.org

## IV. Student Rights and Responsibilities

### A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. The District's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities, which stimulate and challenge the student's interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner, and does not infringe upon the rights of others. In addition, to promote a safe, healthy, orderly, and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, gender identity, gender nonconformity, gender expression, sexual orientation, or disability, or any other categories of individuals protected against discrimination by federal, state, or local law see board policy 7203.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To have a safe, healthy, orderly, and courteous school environment.
5. To attend school and participate in school programs unless suspended from instruction and participation for a legally sufficient cause as determined in accordance with due process of law.
6. To be suspended from instruction in accordance with the rights provided under Education Law Section 3214 (page 13-14).
7. Students should not expect privacy of lockers, backpacks, and cars on school grounds. Lockers are provided for the purpose of storing school related materials securely and to maintain privacy between students. All lockers, locks, combinations and/or keys are school property, and school officials have the right to search lockers at any time.

### B. Student Responsibilities

All district students have the responsibility to:

1. Accept responsibility for their actions.

2. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
3. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
4. Attend school daily and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
7. Work to develop mechanisms to deal with their anger.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to disciplinary actions.
10. Dress and groom appropriately for school and school functions.
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. Follow school and societal rules.
13. Immediately report any health or safety issues to school staff (*e.g. presence of drugs or weapons*).

## V. Essential Partners

The Altmar Parish Williamstown Central School District believes that appropriate student behavior is a result of cooperative efforts among students, parents, staff members, the administration and the Board of Education. All essential partners will demonstrate respect for school and societal rules. The District therefore emphasizes the need for the entire school community to provide a meaningful educational experience to all District students.

School Level Parent Involvement Policy: The District will develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards.

The compact shall include:

1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards and shall include, but not be limited to those items outlined in Section IV. B-F;
2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate in decisions relating to the education of their children and positive use of extracurricular time; and shall include, but not be limited to those items outlined in Section IV. A.
3. The compact shall address the importance of communication between teachers and parents on an ongoing basis including, but limited to:
  - a. Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
  - b. Frequent reports to parents on their children's progress;  
and
  - c. Reasonable access to staff, opportunities to volunteer and participate in their child's class and observation of classroom activities: Parent Teacher Conferences, parent helpers, emails, phone calls, Web site/web access; Open House, Weekly Folders, Sign-In, Newsletter, Home and School, Planners, Calendars, Monthly Calendars.

**A. Parents**

All parents are expected at all times 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(ren) to school every day ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Insist their child(ren) be dressed and groomed in a manner consistent with the student dress code.
5. Help their child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know School Code of Conduct and consequences for violating them and help their child(ren) understand the rules and consequences.
7. Convey to their child(ren) a supportive attitude toward education and the district.
8. Build positive relationships with teachers, other parents and their child(ren)'s friends.
9. Help their child(ren) deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed.
12. To follow the chain of command when problems arise so that problems can be solved at the lowest level (staff member/teacher, school counselor, vice principal/principal, superintendent, Board of Education)

**B. Teachers**

All district teachers are expected at all times to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach all his/her students.
3. Demonstrate interest and enthusiasm in teaching and concern for all students' achievement.
4. Know school policies and School Code of Conduct, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
6. Course objectives and requirements
  - a. Marking/grading procedures
  - b. Assignment deadlines
7. Expectations for students
8. Classroom/Course Attendance Expectations and Requirements
9. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

**C. School Counselors**

All district counselors are expected at all times to:

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.

3. Regularly review with students their educational progress and career plans.
4. Encourage and provide information to assist students/parents with student career planning.
5. Encourage students to make the most of the curricula and extracurricular programs.

#### **D. Administrators**

All district administrators are expected at all times to:

1. Promote a safe, orderly and stimulating school environment, which supports active teaching and learning.
2. Facilitate regular communication (*including the redress of grievances*) among staff, students, and parents.
3. Evaluate on a regular basis all staff and instructional programs.
4. Support the development of and student participation in appropriate extracurricular programs and assess and adjust as needed.
5. Be responsible for enforcing the code of conduct and resolving all cases promptly and fairly.

#### **E. All School District Employees**

All school district employees are expected at all times to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Demonstrate interest, enthusiasm and concern for student health, safety, and achievement.
3. Know district policies and enforce them in a fair and consistent manner.
4. Be familiar with and enforce all Local, State and Federal laws, prohibited student conduct and regulations.
5. Communicate to students:
  - a. Expectations for students
  - b. Board approved Code of Conduct
6. Communicate regularly with students, parents, and other staff members concerning safety.

#### **F. Superintendent**

The Superintendent is expected at all times to:

1. Promote a safe, orderly and stimulating school environment, which supports active teaching and learning.
2. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to promote and support instructional programs that encourage positive behaviors sensitive to student and teacher needs.
5. Work with school personnel in enforcing the code of conduct and resolving all cases promptly and fairly.

#### **G. Board of Education**

All school Board members are expected at all times to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students,

district personnel and parents/visitors on school property and at school functions.

2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Support the efforts of teachers, staff, and community to provide the highest quality education for students.
5. Be student advocates and interact with parents; helping students achieve success by promoting a clear and open line of communication between parents and the Board of Education and Behavioral Specialist, if necessary.

## VI. Student Dress Code

The intent of the dress code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. The school cannot and does not dictate styles. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming, and appearance, including jewelry, shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that revealing garments are not appropriate and may disrupt or interfere with the educational process.
3. Ensure that underwear is completely covered with outer clothing.
4. Wear footwear at all times. Footwear that is a safety hazard will not be allowed. Not wearing footwear is a violation of the health codes.
5. Recognize wearing of headwear that could be a disruption or interfere with the educational process will not be allowed unless for a medical and/or religious purpose/reason.
6. Recognize items that are, or are implied as, vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, disability, gender (including gender identity, gender non-conformity, gender expression), or sexual orientation could be a disruption or interfere with the educational process and will not be allowed.
7. Recognize promoting, advertising, and/or endorsing the use of alcohol, tobacco, tobacco promotional items (e.g., brand names, logos and other identifiers) or illegal drugs and/or encourage other illegal or violent activities, sexuality/sexual acts could be a disruption or interfere with the educational process and will not be allowed.
8. Recognize that accessories that are hazardous, damaging, or present danger to school property or persons could be a disruption or interfere with the educational process and will not be allowed.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item(s) and, if necessary or practical, replacing it (them) with an acceptable item. Any student who refuses to do so shall be considered insubordinate and subject to disciplinary action.

## VII. Prohibited Student Conduct

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

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 (e.g. field trips, alternative education tutoring after hours, athletic contests, etc.) 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. These provisions apply whether the conduct is in person, in writing, via cell phone, texting, e-mail or any other electronic means of communication. Students who violate these school rules will be required to accept the penalties for their conduct.

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

A. Engage in conduct that is disorderly or disruptive. Such as but not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that is profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Entering any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; hacking into or accessing without authorization, secured sections of the District's or other's computer networks; or any other violation of the district's acceptable use policy (board policy 7361). Unauthorized use of personal computer, laptop and/or other computerized information resources through the APWCSD computer system is prohibited.
8. Unauthorized use of electronic devices such as radios, cell phones, mp3 players, games, CD players, cameras, and pagers during instructional time, except as expressly permitted in connection with authorized use in the buildings.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directives of teachers, school administrators or other school employees, law enforcement officers, or other adults with supervisory authority.
2. Missing, leaving, or lateness for school, or class, without permission.
3. Skipping detention.

C. Engage in conduct that is disrespectful.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence upon a teacher, administrator or other school employee, or attempting to do so.
2. Committing an act of violence, or attempting to do so, upon another student or any other person lawfully on school property or at a school function.
3. Possessing/displaying a weapon or what appears to be a weapon capable of causing physical injury or death while on school property or at a school function. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property.

7. Using weapons
8. Communication by any means, including oral, written or electronic (such as through the Internet, social media or e-mail) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include:

1. Lying, deceiving or giving false information to school personnel.
2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by defaming them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.)
4. Discrimination, which includes the use of race, age, sexual orientation, color, creed, national origin, religion, gender (including gender identity, gender non-conformity, gender expression), or disability or other status protected by local, state, or federal law as a basis for treating another in a negative manner in accordance with board policies 3233 and 7531.
5. Harassment, against any student, by employees or students on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, that creates a hostile environment by conduct, with or without physical contact, which includes a communication (verbal, written, electronic or graphic) and/or physical conduct based on an individual's actual or perceived race, color, religion, national origin, political affiliation, sexual orientation, gender (including gender identity, gender non-conformity, gender expression), age, marital or veteran status, disability or any other status protected by local, state, or federal law in accordance with board policies 3233 and 7531.
6. Bullying and intimidation, against any student, by employees or students on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, that creates a hostile environment by conduct, with or without physical contact, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
  - a. In general, bully is defined as: "a variety of negative acts carried out repeatedly over time." However, a single negative act may also constitute bullying, based on particular circumstances such as the seriousness of the act and/or the intent of the actor.
  - b. "Internet Bullying" (also referred to as "cyberbullying") includes, but is not limited to, the use of instant messaging, e-mail, Web sites, chat rooms, and text messaging, when such use infringes upon the general health, safety and welfare of District students or employees and/or interferes with the operation of the school.
7. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature as set forth in board policy 7202.
8. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into,

affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team. Hazing is a form of harassment and bullying, as those terms are defined for the purposes of policy number 7533.

- a. 7202—(DASA Student Harassment and Bullying Prevention and Intervention) and may constitute discrimination.
10. Selling, using, possessing or distributing obscene material.
  11. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products (for purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove, cigarette, spit/spitless tobacco and any other smoking or tobacco product i.e., smokeless, dip, chew, snus and/or snuff in any form, including look-a-like tobacco products such as smokeless or “vapor” cigarettes) or illegal substances, or being under the influence of any of these. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as “designer drugs.”
  12. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
  13. Possessing, consuming, selling, attempting to sell, distributing, or exchanging “look-alike drugs”; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
  14. Gambling and gaming.
  15. Inappropriate touching.
  16. Initiating or reporting warning of fire, bomb threat, or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
  17. Violating gender privacy when using school restroom facilities.
  18. Indecent exposure, that is, exposure to sight of the private parts of the body or other lewd or indecent behavior.
  19. Failure to report, when you have knowledge of, an intended false bomb threat.
- F. Engage in misconduct while on a school bus, school operated vehicle or private vehicle being utilized for the transport of students. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
- I. Plagiarism.
  - II. Cheating.
  - III. Copying or otherwise transmitting answers to or for other students.
  - IV. Altering records.
  - V. Assisting another student in any of the above actions.

## VIII. Reporting Violations

All students are expected to promptly report violations of the code of conduct, and to immediately report any individual possessing a weapon, alcohol or illegal substance on school property or at a school function, to a teacher, school counselor, the assistant principal, the building principal or other district staff. To the extent possible, the reporting student’s identities will not be disclosed.

All district staff members that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members that 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 impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately and if warranted, destroyed or handed over to law enforcement after school consequences are complete. If possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution. Notification of law enforcement officials is a probable consequence.

The building principal or his or her designee may notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification may be made by telephone, followed by a letter. This notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## IX. Disciplinary Consequences, Procedures & Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is 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 develop in self-discipline.

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

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

Discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student may be related to a disability or suspected disability, 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. Consequences

Students who are found to have violated the district's code of conduct may be subject to the following consequences either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process. The listed sanctions are advisory and discipline will be progressive. However, district personnel may impose any level of discipline, even for the first violation, that is proportionate to the misconduct at issue. Administration may adjust the consequence based on the infraction and or frequency.

1. **Oral warning** – any employee of the district staff
2. **Time Out/Reflection Room** – any employee of the district staff
3. **Written warning** – any employee of the district staff
4. **Restorative Practices** – Any employee of the district. Restorative practices are strategies that seek to repair relationships and give students an opportunity to right their wrong and make amends. They are a positive step in helping students learn to resolve disagreements, take responsibility for the behavior, and repair the harm that a behavior has caused. Restorative practices give students the opportunity to learn from the situation. These practices help to improve school climate and help students strengthen their social-emotional skills. These practices help to understand student behavior and give students the tools they need to problem-solve. Administrators may use restorative practices to supplant traditional consequences or in addition to as best to med the need of the student.

5. **Written notification to parent** – transportation supervisor, athletic coordinator, coaches, School counselors, teachers, teacher assistants, assistant principal, principal, superintendent
6. **Elementary Reflection Room** – assistant principal, principal
7. **Detention** – teachers, teacher assistants, assistant principal, principal, transportation supervisor, superintendent
8. **Suspension from transportation** – transportation supervisor, assistant principal, principal, superintendent
9. **Suspension from athletic participation** – coaches, athletic coordinator, assistant principal, principal, superintendent
10. **Suspension from social or extracurricular activities** – activity director, athletic coordinator, assistant principal, principal, superintendent
11. **Suspension of other privileges** – transportation supervisor, athletic coordinator, assistant principal, principal, superintendent
12. **ALC (Alternative Learning Center)**– assistant principal, principal, or superintendent
13. **Temporary removal from classroom** by teacher, principal, assistant principal, or principal’s designee, in accordance with Education Law § 3214(3-a).
14. **Short-term (five days or less) suspension from school** – principal, superintendent. In the absence of the principal, the assistant principal may suspend.
15. **Long-term (more than five days) suspension from school** – superintendent
16. **Permanent suspension from school** – superintendent, Board of Education.

## B. Procedures

In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. When any suspensions occur and the school is closed on the suspension dates, then the suspension(s) will carry over to the next attendance day. These additional rights are explained below.

### 1. Detention

Teachers, assistant principals, principals, and the superintendent may use school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school Detention will be imposed as a consequence only after the student’s parent has been notified to confirm that the student has appropriate transportation home following detention.

### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the transportation supervisor’s, principals, or assistant principal’s attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the transportation supervisor, assistant principal, building principal or the superintendent. In such cases, the student’s parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the district will make appropriate arrangements to provide for the student’s education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal

conference with the district official imposing the discipline to discuss the conduct and the consequence involved.

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

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

### **4. ALC – Alternative Learning Center**

The Board recognizes that 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, or assistant principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

### **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can interfere with the rights of 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 an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a school counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the 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 program and meet with the principal 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 is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the teacher and the principal must notify the student's parents, via telephone or email, that the student has been removed from class and why. The principal will verify the teacher notification by calling the parent and reminding them of the opportunity for an informal hearing at school with all parties involved. This will be followed by a written notice, sent within 24 hours, to inform parents of their right, upon request, to

meet informally with the principal to discuss the reasons for the removal. The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

Any disruptive student removed from the classroom by the classroom teacher, shall be provided continued instruction. The where/how instruction will take place is at the discretion of the principal.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class.

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.

The principal may, in his/her discretion, designate a school district administrator to carry out his/her functions for student removal.

## **6. Suspension from school**

Suspension from school is a 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. Students suspended from school are prohibited from being on school district property and from attending or participating in any school function on or off school district property. The consequence in terms of suspension is subject to the Superintendent's review for extenuating circumstances. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the principals.

Any staff member may recommend to 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 (5 days or less) suspension from school**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents

in writing, that the student may be suspended from school; the written notice shall be delivered in a manner reasonably calculated to assure receipt within 24 hours of the decision to propose suspension. 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 suspending authority, where the parents, upon request, shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority may establish. The notice and opportunity for informal conference shall be provided prior to the suspension unless the student's continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption. Where the student's continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption, the student may be immediately suspended and the notice and informal conference shall be afforded as soon as reasonably practicable. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

If the informal conference is requested, it will be scheduled at the earliest convenience of the school official.

After the conference, the suspending authority shall promptly advise the parents in writing of his or her decision. The suspending authority 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 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent, or his/her designee, 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. When the Board of Education determines to conduct the fair hearing itself, it must provide the required notice of hearing.

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

An appeal of the decision of the superintendent may be made to the Board 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 30 calendar 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 30 days of the decision.

#### **Permanent Suspension**

Permanent suspension is reserved for extraordinary circumstances including, but not limited to, where a student's conduct demonstrates a reckless disregard for the health, safety and welfare of others and/or poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

#### **C. Disciplinary Actions and Procedures**

This Code of Conduct section is a guide to possible violations and their resulting disciplinary action. Disciplinary action may be taken for violations that occur on school grounds or at school sponsored activities, or off school grounds when violations endanger the health or safety of staff, students or visitors within the educational system, or adversely affect the educational process. The administrator has the right to consider the frequency and duration of time between the same level of violations. The listed sanctions are advisory and, as a general rule, discipline will be

progressive. However the district may impose any level of discipline, even for a first violation.

Misconduct	PK-6 Elem. 1st Offense	PK-6 Elem 2nd Offense	PK-6 Elem 3rd Offense
<b>Level 1</b>			
<ul style="list-style-type: none"> <li>▪ Insubordination</li> <li>▪ Running or “horse play”</li> <li>▪ Throwing objects</li> <li>▪ Computer Misuse</li> <li>▪ <b>Unauthorized</b> use of electronic devices</li> <li>▪ Continual disruptive behavior</li> <li>▪ Disrespecting others within learning environment (adults and students)</li> <li>▪ Lying/cheating/copying</li> </ul>	<ul style="list-style-type: none"> <li>▪ Verbal reprimand &amp; counseling by a staff member (teacher)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Verbal reprimand</li> <li>▪ Parent notification</li> <li>▪ Recess restriction: (1 period), and/or Time Out/Reflection Room (less than 60 minutes)</li> <li>▪ ISS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Verbal reprimand</li> <li>▪ Parent notification</li> <li>▪ Recess restriction (1-5 periods) and/or Time Out/Reflection Room (less than 60 minutes)</li> <li>▪ ISS</li> <li>▪ Detention</li> </ul>

Unacceptable Conduct	PK-6 Elem. 1 <sup>st</sup> Offense	PK-6 Elem 2nd Offense	PK-6 Elem 3rd Offense
<b>Level II</b>			
<ul style="list-style-type: none"> <li>▪ Excessive and/or repeated Level I violations</li> <li>▪ Minor altercations (pushing, shoving, kicking, poking)</li> <li>▪ Destruction of property, vandalism,</li> <li>▪ Leaving class/school w/o permission</li> <li>▪ Verbal discrimination, harassment, retaliation</li> <li>▪ Inappropriate/abusive language/gestures</li> <li>▪ Attempting to fight or assault</li> <li>▪ Communicating a threat that is verbal, written, or electronic                             <ul style="list-style-type: none"> <li>▪ Use and/or possession of any vaping or tobacco product.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Principal’s office</li> <li>▪ RR/ISS/Detention/OSS</li> <li>Also:                             <ul style="list-style-type: none"> <li>▪ Parent / Student / Administration contact and/or conference for all Level II’s.</li> <li>▪ Arrangements for repairs or restitution will be agreed upon.</li> <li>▪ Suspension from all extra and co-curricular activities. Privileges will not be reinstated until all obligations are met.</li> <li>▪ Removal from immediate situation.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Principal’s office</li> <li>▪ ISS/Detention/OSS</li> <li>▪ Parent notification</li> <li>▪ Parent / Student / Administration contact and/or conference for all Level II’s.</li> <li>▪ Arrangements for repairs or restitution will be agreed upon.</li> <li>▪ Suspension from all extra and co-curricular activities. Privileges will not be reinstated until all obligations are met.</li> <li>▪ Removal from immediate situation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Principal’s office</li> <li>▪ ISS/Detention/OSS</li> <li>▪ Parent notification</li> <li>▪ Parent / Student / Administration contact and/or conference for all Level II’s.</li> <li>▪ Arrangements for repairs or restitution will be agreed upon.</li> <li>▪ Suspension from all extra and co-curricular activities. Privileges will not be reinstated until all obligations are met.</li> <li>▪ Removal from immediate situation.</li> </ul>

Dangerous or Unlawful Offenses	PK-6 Elem. 1 <sup>st</sup> Offense	PK-6 Elem 2 <sup>nd</sup> Offense	PK-6 Elem 3 <sup>rd</sup> Offense
<p><b>Level III</b></p> <ul style="list-style-type: none"> <li>▪ Immediate removal from student population and school property (if necessary).</li> <li>▪ The District may immediately notify the police and the student’s parents of the infraction by telephone and in writing.</li> <li>▪ Immediate out-of-school suspension for up to five days. The administrator may request a Superintendent’s hearing.</li> <li>▪ Per Board of Education Policy 7320, students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, illegal drugs, counterfeit and/or designer drugs, or paraphernalia for use of such drugs...may be <u>suspended from attending school for a period of one year</u>. For subsequent violations the student(s) will be <u>suspended from school for a period of one year</u>. *</li> <li>▪ These offenses will be considered infractions of law and will generally be referred to law enforcement officials.</li> <li>▪ Per Board of Education Policy 7360, “Weapons in Schools and the Gun Free Schools Act”, any student who brings a firearm, as defined in federal law, or has such a firearm in his/her possession on school premises, or brings such firearm to any setting that is under the control or supervision of the School District, will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings (County Attorney); a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities. Any such student found guilty, after a hearing, will be suspended from school for a period of not less than one calendar year. The Superintendent of Schools may review and modify such suspension on a case-by-case basis and modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner’s Decisional Law).</li> <li>▪ Assault</li> <li>▪ Fighting</li> <li>▪ Possessing or displaying a weapon</li> <li>▪ Possessing or use of drugs and/or alcohol</li> </ul>			

**APW Jr/Sr High CONDUCT AND DISCIPLINE GUIDELINES**

<i>MISCONDUCT</i>	<i>DEFINITION</i>
<b><i>Disorderly</i></b>	
Abusive language	Written or spoken language, gestures, that are obscene, or vulgar.
Abusive language or obscene gestures directed toward staff	Written or spoken language or gestures that are offensive, obscene or vulgar and is directed at a staff member.
Disruption to the educational process	Behavior that seriously disrupts any school activity or the orderly operation of the school.
Disruptive behavior/student	Language, gestures, or actions, which incite, produce distractions, or seriously interfere with the effective functioning of the teacher, class, school, or bus.
Unauthorized use of Electronic Communication Devices	The inappropriate use of pagers, beepers, cellular phones or any such wireless communication devices during school hours.
Trespassing	A suspended student or an individual who is not on school grounds for a legitimate reason or a person who does not have written permission from a school administrator and knowingly or unknowingly enters and/or remains unlawfully upon school property.
<b><i>Insubordinate</i></b>	
Insubordination	Verbal or non-verbal refusal to comply with the reasonable request of any staff member.
Cutting Class	An unexcused absence from class when the student is present in the building.
Failure to attend detention	Not reporting for a scheduled detention without administrative permission to miss the detention.

<i><b>MISCONDUCT</b></i>	<i><b>DEFINITION</b></i>
Failure to attend an extended day or Saturday detention.	The disruption of or failure to attend a scheduled Saturday detention.
Leaving school without permission	Once a student arrives at the school campus he/she may not leave school, unless authorized to do so, until the end of the student's scheduled day.
Lying to District personnel	Lying to District personnel
Unexcused tardy to school	Late to school without parent/guardian authorization and an approved reason.
<i><b>Violent</b></i>	
Arson	Any act utilizing fire, smoke or explosives, which cause alarm or danger to life; and/or willful or malicious burning of school property.
Assault	An unlawful physical attack using force upon a person resulting in physical injury.
Criminal mischief	The destruction or serious defacing of school property or the property of others.
(Trespass) Burglary	Illegal or unauthorized entry of any area of the school during or after regular school hours; e.g. rooms, cabinets, classrooms, auditorium, offices, lockers or gym etc.
Fighting	Aggressive physical conflict between two or more individuals including wrestling, shoving, punching, kicking, hitting, shaking, poking.
Threatening or committing an act of violence	Threatening or committing an act of violence (such as hitting, kicking, and punching), unless otherwise related to their disability, upon any District employee, another student or any other person lawfully on school property.

<b>MISCONDUCT</b>	<b>DEFINITION</b>
Weapons possession/concealment/ sale	The possession, concealment or sale of any kind of weapon(s), dangerous instrument(s) or any other item that could be used as a weapon.
Threatening to use any weapon	The threat to use any kind of weapon(s), dangerous instrument(s) or any other item that could be used as a weapon.
<b>Tobacco or Drug and Alcohol</b>	
Use and/or possession of Drugs/Alcohol	To possess on your person or among your personal belongings, or to use or have consumed any substance capable of behavior or altering a state of mind or feelings.
Use and/or possession of Tobacco School	The use and/or possession of tobacco products (cigarette, electronic cigarette or electronic smoking device, vaporizer pens, cigar, pipe, lighter, matches, chewing tobacco, etc.) are prohibited on school grounds at any time.
Possession or distribution of drugs	Possessing or distributing prescription, over-the- counter drugs, herbal and dietary supplements
Illegal/Inappropriate/Prohibited/ Controlled Substances	Include but are not limited to: inhalants, marijuana, synthetic “marijuana” cannabinoids, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, and any substances commonly referred to as designer drugs, look-alikes, alcohol, tobacco, prescription or over-the-counter drugs without authorization.
Under the Influence	If a person has used any quantity of an inappropriate substance within a time period reasonable 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.
<b>Theft</b>	
Theft/possession/transfer of stolen goods	The act of taking possession, withholding, transferring the property of another without the consent of the owner.
<b>School Bus</b>	
Deliberately causing damage to a school vehicle	Behavior that causes any intentional damage to a school vehicle.
Deliberately obstructing a driver’s vision	Behavior that causes the intentional obstruction of a driver’s ability to operate the vehicle safely, while the bus is in motion.

<b><i>MISCONDUCT</i></b>	<b><i>DEFINITION</i></b>
Deliberately tampering with emergency exits on a school vehicle	Unauthorized use/tampering of an emergency exit on a school vehicle.
Refusing to sit in an assigned seat on a school vehicle	Student refusal to sit in a seat assigned to them by a driver.
Throwing objects within, outside of or at a school vehicle	Throwing objects in/at the bus.
<b><i>Academic Misconduct</i></b>	
Cheating	To dishonestly acquire/or provide information, answers, unearned marks, or credits. Altering a grade, or other student record, on paper or in electronic form.
Forgery	The act of forging a signature or using something written or falsely produced with the intent to deceive.
Plagiarism	The act of taking or giving ideas, writings, work, etc., from a source and passing it off as the efforts of another.
<b><i>Endangerment</i></b>	
Bomb Threats	Bomb threats of any type.
Defamation	Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. Includes posting or publishing videos, audio recordings or pictures (written material, cell phones, Internet, Facebook, YouTube, etc.).
Weapon	Means a firearm as defined in 18 USC §921(a) and 18 USC §930(g)(2) for purposes of the Gun-Free Schools Act and the District weapons policy. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, paint ball gun, disguised gun, air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge, 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 look-alikes (i.e., fake items made to look like any of the aforementioned or other weapon or any object that could be considered a reasonable facsimile of a weapon), pocket pen or other knife, or other device, instrument, material, or substance (“other Item”) that can cause physical injury or death when used, or when such other item is brandished as a weapon.

<i>MISCONDUCT</i>	<i>DEFINITION</i>
Falsely Reporting an Incident	Falsely Reporting an Incident
<b><i>Discrimination &amp; Harassment</i></b>	
Harassment of Staff (Threatening Behavior)	A threat to engage in menacing behavior that is violent or sexual in nature – without physical contact – that would likely cause offense, annoyance, or alarm.
Harassment (Threatening Behavior)	A threat to engage in menacing behavior that is violent or sexual in nature without physical contact that would likely cause offense, annoyance or alarm.
Sexual Orientation	Is defined as heterosexuality, homosexuality, bisexuality, or asexuality whether actual or perceived.
Bullying	In general is defined as: “a variety of negative acts carried out repeatedly over time.” However, a single negative act may also constitute bullying based on particular circumstances such as the seriousness of the act and/or the intent of the actor. “Internet bullying” also referred to as “cyber-bullying” includes, but is not limited by definition to, the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such infringes upon the general health, safety and welfare of District students or employees and/or interferes with the operation of the school
Hazing	Is defined as the performance of any act or the coercion of another to perform any act of initiation that causes or creates a risk of humiliation or dangerous activity, or that risks inflicting mental or physical harm. Permission, consent or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in the policy.
<b><i>Misuse of School Devices</i></b>	
Inappropriate use of school devices	The action by any student to view or change information on an electronic device that they are not authorized to access.

<i>Miscellaneous</i>	
Absence from School	Absence from school without parent/guardian authorization or approved reason.
Dress Code	A set of dress guidelines to ensure all students are safe, appropriate and do not disrupt or interfere with the educational process.
Gambling	Participating in game(s) of chance, including card playing, for money and/or other things of value.
Loitering	The act of remaining in an area for no obvious reason “hanging around”.
Principal	The building principal, or that person acting in the principal’s absence.
Chain of Command	A list of people that are put in place in sequential order to solve a problem
School Property	Means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public school. This also includes in or on a school bus, as defined in Vehicle and Traffic Law 142.



## Behavior Violations and Levels of Response

Level I Options	Level II Options	Level III Options
<ul style="list-style-type: none"> <li>Verbal reprimand</li> <li>Counseled by staff member</li> <li>Staff detentions</li> <li>Parent notification by referring staff member</li> <li>School discipline referral submitted to office</li> <li>Parent notification by administration</li> <li>Principal detention(s) and/or parent teacher conference (as requested)</li> <li>Behavior plan (pass restriction, lunch restriction, etc.)</li> <li>Restitution</li> <li>Mediation</li> <li>Restoration conference</li> </ul>	<ul style="list-style-type: none"> <li>Partial day-1 day ISS/OSS including detention and late detention                             <ol style="list-style-type: none"> <li>1. Parent/Student/Administration contact and/or conference for all Level II's</li> <li>2. Arrangement for repairs or restitution will be agreed upon</li> <li>3. Suspension from all extra and co-curricular activities</li> <li>4. Privileges will not be reinstated until all obligations are met</li> <li>5. Removal from immediate situation</li> </ol> </li> <li>Partial day-3 days ISS/OSS, including detentions</li> <li>2 Days OSS for 2<sup>nd</sup> vaping offense</li> <li>3 Days OSS for 3<sup>rd</sup> vaping offense</li> <li>Referral to Farnham</li> <li>Partial-5 Days ISS/OSS, including detention</li> <li>**Administration, at their discretion, may request a Superintendent's Hearing for Level II offenses</li> </ul>	<ul style="list-style-type: none"> <li>*** Alternative placement</li> <li>**Long-term suspension</li> <li>**Superintendent hearing</li> <li>See addition verbiage below. ***</li> </ul>

\*Administrator / Superintendent Action

\*\*Superintendent Action

### Behavior Interventions and Consequences

Behavior Violation	Level 1	Level 2	Level 3	SPO	Notes
<b>Absences</b>					
Skipping/late to class without a valid reason	X	X			
Persistent or excessive absences from school	X	X			Significant absences from school will result in having Child Protective Services informed and possibly involved
Leaving School without permission	X	X			
<b>Academic Dishonesty</b>					
Plagiarism, copying another's work, cheating or altering records	X	X	X		
<b>Alcohol</b>					
Under the influence of Alcohol		X	X	X	School staff will refer student to appropriate substance abuse counseling through Farnham Agency and School Nurse will be notified immediately

Use or possession of Alcohol		X	X	X	
Distribution or selling of Alcohol		X	X	XX	
<b>Arson</b>					
Starting a fire		X	X	X	NYS Uniform Fire Prevention Code 401.3 requires building principals to contact the fire department for any and all unwanted fires
Starting a fire: Destruction of property as a result of a fire		X	X	XX	Principals must complete NYSED Office of Facilities Planning Fire Incident Report Form 2014.
<b>Assault on student or other individual</b>					
Assault with or without injury		X	X	X	
Assault on student with serious bodily injury with or without provocation (hitting, kicking or punching another student)			X	X	
Two or more persons intentionally assault with injury		X	X	X	
Two or more persons intentionally assault with serious bodily injury			X	X	
<b>Bomb Threat</b>					

Making threats of providing false information about the presence of explosive materials or devices on school property			X	XX	
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**Bullying, Harassing and/or Discrimination**

Intentional conduct (including verbal, physical, or written conduct) that constitutes bullying, discrimination or cyberbullying	X	X	X	X	A Dignity for All Students Act Investigation is always documented and required when bullying, discrimination and/or harassment are suspected
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Intentional conduct via electronic communication that constitutes bullying, harassment or discrimination	X	X	X	X	Depending on the allegations a Title IX or other investigation as outlined in applicable board policies may be required
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Persistent and repeated incidents of bullying targeted at the same person or group	X	X	X	X	
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Defamation - making false or unprivileged statements or representations of an individual or identifiable group of individuals that harm the reputation of the person or identifiable group by demeaning them. Includes posting or publishing videos, audio recordings or pictures (written material, cell phones, Internet, Facebook, YouTube, Snapchat and/or any form of social media.)	X	X	X	X	
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Harassment (Threatening behavior) - A threat to engage in menacing behavior that is violent or sexual in nature, without physical contact, that would likely cause offense, annoyance or alarm	X	X	X	X	
Harassment of Staff (Threatening behavior) - A threat to engage in menacing behavior that is violent or sexual in nature, without physical contact, that would likely cause offense, annoyance, or alarm	X	X	X	X	
<b>Damage to school property or personal property</b>					
Minor damage (less than \$50)	X	X			
Damage to another person's or school property (\$50-\$500)		X	X	X	
Damage to another person's or school property (over \$500)		X	X	X	
<b>Disruption to the Educational Process/Misconduct</b>					
Disruptive behavior	X	X	X		

Use of profanity or obscene language or gestures	X	X			
Use of profanity or obscene language or gestures towards staff members	X	X	X		
Throwing objects without physical harm (including bus, classroom, hallway, etc.)	X	X			
Throwing objects that pose a potential threat of harm (including bus, classroom, hallway, etc.)	X	X	X		
Refusing to sit in an assigned seat on a school vehicle	X	X			
Deliberately tampering with emergency exits / Improper activation of a fire alarm (including bus)		X	X	XX	Principals must complete NYSED Office of Facilities Planning Fire Incident Report Form. If the fire alarm is the fire department must be notified and they have jurisdiction until the event is investigated
Loitering - The act of remaining in an area for no obvious reason (hanging around)	X	X			
<b>Fighting</b>					
Fighting - Aggressive physical conflict between two or more individuals including: wrestling, shoving, punching, kicking, hitting, shaking, poking, etc.		X	X	X	DASA investigation may be warranted

Fighting with serious bodily injury		X	X	XX	
Fighting that causes the principal to initiate “hold in place” emergency procedures, prevents large numbers of students from moving through the hallways and disrupts the educational process for large numbers across the school, or poses a serious and grave threat to safety of large numbers of students, such as threat of substantial bodily harm to students			X	XX	
<b>Gambling</b>					
Participating in games of chance, skill for money (including card playing) for money and/or things of value	X	X	X		
<b>Illegal Behavior</b>					
Criminal Mischief - The destruction or serious defacing of school property of the property of others	X	X	X	XX	

(Trespass) Burglary - Illegal or unauthorized entry to any area of the school during or after regular school hours; ex. Classrooms cabinets, auditorium, offices, lockers, gymnasium, rooms, etc.	X	X	X	XX	
<b>Illegal Drugs</b>					
Under the influence		X	X	X	School staff will refer student(s) to appropriate substance abuse counseling  School nurse will be notified immediately
Use and/or possession		X	X	XX	
Distribution and/or selling		X	X	XX	
<b>Inhalants</b>					
Under the influence		X	X		School staff will refer student to appropriate substance abuse counselor  School will be notified immediately
Use and/or possession		X	X	X	
Distribution and/or selling		X	X	X	

Sexual Assault / Sexually based infraction or offenses					
Forced sexual act			X	XX	School staff is required to refer students to appropriate counseling
Sexual harassment (ex. Unwelcome sexual advances; requests for sexual favors' or inappropriate verbal, written or physical conduct of a sexual nature)		X	X	X	Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police
Sexual activity or sexual misconduct (ex. Indecent exposure, engaging in sexual activity, etc.)		X	X	X	
Technology Acceptable Use Policy					
Inappropriate use of school devices	X	X	X		The action by any student to view or change information on an electronic device that they are authorized/not authorized to access  Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police
Theft					
Theft / Possession/ Transfer of stolen goods under \$500	X	X		X	
Theft / Possession/ Transfer of stolen goods over \$500		X	X	X	
Tobacco / Tobacco Products / Nicotine Products / Electronic vaporizers and/or smoking devices					

Possession and/or use		X	X		
Distribution and/or selling		X	X	X	
<b>Violent</b>					
Threatening to commit an act of violence	X	X	X	X	
Striking a student	X	X			
Striking an adult	X	X			
Committing an act of violence towards a student	X	X	X	X	Committing an act of violence (such as hitting, kicking, punching, etc.), unless otherwise related to their disability
Committing an act of violence towards an adult	X	X	X	X	
<b>Weapons, Firearms, Explosives</b>					
Possession of instruments or objects that could be used as weapons		X	X	X	Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by the superintendent of schools
Possession of an instrument or object used as a weapon with intent to cause injury			X	XX	
Possession of a weapon			X	XX	

Firearms (possession of a firearm as defined in 18 USC 921 of federal code; ex. Handguns, rifles, shotguns, bombs)			X	XX	
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including, but not limited to, BB guns, pellet guns, etc.)			X	XX	
Explosives (possession, sale, distribution, detonation or threat of detonation of an incendiary or explosive material or device including, but not limited to, firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substances or articles, other than a firearm)			X	XX	

**D. Additional avenues for disciplinary concerns**

1. Counseling

The school counselors shall handle all referrals of students for counseling and determine if further intervention(s) are necessary.

2. Preventive Services – contact Guidance Counselor or Psychologist.

3. PINS Diversion

The district may file a PINS (person in need of supervision) petition in Family Court (following the family court guidelines)

4. Juvenile Delinquents and Juvenile Offenders

5. Youth Court / Peer Court

- a. Agreeable Community Service
- b. Restorative Practices

In accordance with Education Law Section 3214(3)(d), where a student has been determined to have brought a weapon (as defined in the Education Law) to school, the superintendent is required to refer such student under the age of 16 to the County Attorney. Except for 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 who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## X. 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.

## XI. Discipline of Students with Disabilities

The Board 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 receive certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. The student and parents of a student with disabilities subject to disciplinary action shall be provided with at least the same opportunities for due process as available to students' parents of non-disabled students under the Education Law, subject to the enhanced protections described below.

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

1. For purposes of this section of the code of conduct, the following definitions apply.

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

A **"removal"** means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES).

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

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

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

would be subject to discipline, but not more than 45 days, if (i) the student carries or possesses a weapon to or at school, school premises or a school function; (ii) the student 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; or (iii) the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

1) **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”

2) **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3) **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

4) **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

- e. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if the hearing officer determines that the school district has demonstrated by substantial evidence that maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

## **B. Change of Placement Rule**

1. A 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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal except where the manifestation team has determined that the behavior was not a manifestation of such student’s disability, or the student is properly placed in an IAES.

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

1. Functional Behavioral Assessment: The district’s Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
  - b. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

- c. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
2. Manifestation Determination: The Manifestation Team shall:
  - a. If a suspension shall constitute a disciplinary change in placement, the Manifestation Team shall conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action within 10 school days of a decision is made to suspend a student. If the Manifestation Team determines that a student's conduct was a manifestation of his or her disability, the student shall not be suspended. The Superintendent may place such student may be placed in an IAES if the student has (i) carries or possesses a weapon to or at school, school premises or a school function; (ii) 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; or (iii) inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
    - ii. The parent of the student has refused services; or
    - iii. The parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner's Regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
4. The district shall provide parents with notice of removal no later than the date on which a decision is made to impose discipline on the student or to remove the student with a disability to an IAES.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student

with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to law enforcement and judicial authorities**

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall provide copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported, to the extent consistent with the Federal Educational Rights and Privacy Act.

## **XII. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

## **XIII. Prohibited Staff Conduct**

The Board of Education, per Board policy #6112 "Staff/Volunteer-Student Relations (fraternization)", requires

that all school district employees and/or volunteers maintain a professional, ethical relationship with district students that are conducive to an effective, safe learning environment.

Staff members and/or volunteers are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student and/or the student's family may have "consented" to such conduct.

Inappropriate employee and/or volunteer behavior includes, but is not limited to the following: flirting, making suggestive comments, dating, requests for sexual activity, physical displays of affection, giving inappropriate personal gifts, frequent personal communication with a student (via phone, text, e-mail, social media, letters, notes, etc.) unrelated to course work or official school matters, providing alcohol or drugs to students, inappropriate touching, and engaging in sexual contact and/or sexual relations.

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

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school and receive permission to visit. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits with the classroom teacher(s) at least 24 hours in advance, so that class disruptions are kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
8. All visitors will conduct themselves in accordance with the normal conventions of respect, responsibility, and sportsmanlike conduct.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For the purposes of this section of the code, "school property" shall mean any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus. A school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including, but not limited to teachers, administrators, other school personnel, the Board of Education, students, and parents/persons in parental relation to the student.

The restrictions on public conduct on school property and at school functions contained in this code are not

intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities or non-school activities held on school grounds.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, threaten, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, disability, gender, or sexual orientation.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles;
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess, use, or threaten to use weapons (or facsimiles thereof) in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Use tobacco products and/or inhalants of any kind in or on school property or while attending a school function.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### **B. Penalties**

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

1. Parents/Visitors: Authorization, if any, to remain on or at (and/or return to) school grounds or school functions shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and/or arrest.
2. Students: Shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements, as stated in this Code of Conduct.
3. District Employees: Shall be subject to immediate ejection and/or arrest, and disciplinary action as the facts may warrant in accordance with any legal rights that they may have.

4. Other(s): Authorization, if any, to remain on or at (and/or return to) school grounds or school functions shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and/or arrest. A ban may be imposed by the district requiring notification of and permission from the building principal and/or superintendent prior to any visit to school property or school related function.

### **C. Enforcement**

Designated persons in a supervisory capacity, including but not limited to: building principals, assistant Principals, advisors, athletic directors, teachers, staff and chaperones shall be responsible for enforcing the conduct required by this code.

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

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

## **XVI. Dissemination and Review**

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

1. The Board will work to ensure that the community is aware of this code of conduct by:
  - a. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
  - b. Making copies of the code available to all parents at the beginning of the school year.
  - c. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
  - d. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
  - e. Providing all new employees with a copy of the current code of conduct when they are first hired.
  - f. Making copies of the code available for review by students, parents and other community members.
2. The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.
3. The Board of education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.
4. The Board 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.
5. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

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

NOTE: Refer also to: Board of Education Policy #7310 and #3410

## **XVII. Appendices**

- *Transportation Referral*
  
- *Positive Referral*
  - a. Pink-Referring  
Teacher
  - b. Gold- Homeroom  
Teacher (if different  
from referring  
teacher)

**Student Safety Incident Report**  
 Altmar-Parish-Williamstown CSD  
 639 Co. Rt.22- P.O. Box 97, Parish N.Y. 13131  
 Phone # (315) 625-5241

Student's Name \_\_\_\_\_

Grade \_\_\_\_\_

Date \_\_\_\_\_

Bus Number \_\_\_\_\_

Time \_\_\_\_\_

Dear Parent/Guardian,

The purpose of this report is to inform you of a disciplinary incident involving the above named student on a school bus. This incident may have jeopardized the safety and well-being of all students. Please take appropriate action so this incident will not be repeated. Thank you for your assistance.

Referring Driver/Monitor \_\_\_\_\_

Infraction(s)	
Refusing to obey Driver/Monitor	Unnecessary noise
Improper boarding/departing procedures	Throwing objects/ littering
Bringing objectionable articles aboard bus	Failure to remain seated
Tampering with bus safety equipment	Lighting matches/lighter
Fighting/Pushing/Tripping/Spitting	Horseplay
Rude, discourteous or annoying conduct	Putting hands out windows
Behavior relating to the safety/respect of others	Possession/use of Drugs or Alcohol
Vandalism/defacing school property	Harassment, threatening behavior
Explanation: _____	

-----OFFICE USE ONLY-----

Disciplinary Action Taken by School

\_\_\_ Discussed problem/solution

\_\_\_ Called parents Phone number \_\_\_\_\_ Time \_\_\_\_\_

\_\_\_ Out of School \_\_\_ In school suspension \_\_\_ Bus suspension \_\_\_ Late Detention \_\_\_ Detention

Date(s) \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

School Official's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

White-File

Green-Parent

Yellow-Guidance

Pink-Driver

Goldenrod-Student

**ALTMAR-PARISH-WILLIAMSTOWN CENTRAL SCHOOL DISTRICT POSITIVE  
BEHAVIOR REFERRAL FORM**

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ ID#: 610-

Dear Parent/Guardian:

Your child was referred to the office for the purpose(s) identified below. Any time students' behaviors are viewed as going "above and beyond" - they should be acknowledged (as they provide positive role modeling and reinforcement for other students in the learning environment). I would appreciate it if you would take any appropriate actions so that working together, we can assure this will continue to happen. Thank you for your assistance. .

Date of the Incident: \_\_\_\_\_ Code: \_\_\_\_\_ Period/Time: \_\_\_\_\_

- |                                                                    |                                                                  |
|--------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Demonstrated Respect                      | <input type="checkbox"/> Demonstrated Leadership                 |
| <input type="checkbox"/> Demonstrated Exceptional Manners          | <input type="checkbox"/> Demonstrated an Effort / Kindness       |
| <input type="checkbox"/> Exhibited Respect & Responsibility        | <input type="checkbox"/> Exhibited Respect at Special Events     |
| <input type="checkbox"/> Was a Role Model for Others               | <input type="checkbox"/> Was an Excellent "Ambassador" / Visitor |
| <input type="checkbox"/> Volunteered Time/Effort to Others         | <input type="checkbox"/> Was an "Ambassador" to another District |
| <input type="checkbox"/> Volunteered Time/Effort to a Cause/Agency |                                                                  |

Explanation:

Referring Staff Member: \_\_\_\_\_

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**ACTION TAKEN BY ADMINISTRATOR**

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Discussed with student  Other: \_\_\_\_\_

Called parent/guardian- Phone #: \_\_\_\_\_ Time: \_\_\_\_\_

Spoke with: \_\_\_\_\_ Left Message With: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Parent Conference:  Requested  Required:  Other: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_