

Poland Central School District

CODE OF CONDUCT
POLICY 1005

POLICY 1005

COMMUNITY RELATIONS

CODE OF CONDUCT

Poland Central School District

Adopted: 4/1/92

Readopted: 06/25/97, 10/27/99, 03/28/01

Revised: 07/11/13, 08/19/14, 08/27/15, 10/30/15, 08/04/16, 08/03/17

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CHAPTER 1

GENERAL INTRODUCTION

I. INTRODUCTION

- A. The Board of Education is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents/guardians and other visitors is essential to achieving this goal.
- B. This Code of Conduct has been developed consistent with Article 2-A of the Education Law, the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioner's Regulations, in collaboration with students, teachers, administrators, parent/guardian groups, school safety personnel, and other school personnel.
- C. The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.
- D. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (which may be interchangeably referred to as "Code").

II. APPLICABILITY

Unless otherwise indicated, this Code of Conduct applies to all students, school personnel, parents/guardians, and other visitors when on school property or attending a school function.

III. STUDENT RIGHTS AND RESPONSIBILITIES

Poland Central School students have all rights afforded them by Federal and State constitutions, statutes, and regulations. The District reminds students that certain responsibilities accompany these rights.

CHAPTER 2
ROLES, RIGHTS AND RESPONSIBILITIES
FOR THE SCHOOL COMMUNITY

I. ROLE OF THE STUDENT

A. Student Rights

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

1. Learn in an environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex;
2. Be treated respectfully by those in the school community;
3. Participate equally in all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex;
4. Be provided with school rules and receive an explanation of rules from school personnel when a request clarification is requested;
5. Be allowed to present relevant information of any event or incident to school personnel authorized to impose a penalty when the potential imposition of any disciplinary penalty exists;
6. Have complaints about school-related incidents investigated and addressed.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning;
2. Be familiar with and abide by all District policies, rules and regulations relevant to student conduct;
3. Attend school every day school is in session (unless legally excused), be in class on time, and be prepared to learn;
4. Work at full potential in all academic and extracurricular pursuits and strive toward the highest level of achievement;
5. Respond to and comply with directions given by, administrators, teachers, other school personnel, and school authorized adults, in a respectful and positive manner. Act and speak respectfully about issues/concerns;
6. Ask questions when better understanding is needed.
7. Seek help in solving problems that might lead to a discipline.

8. Dress appropriately for school and school functions.
9. Accept responsibility for actions.
10. Positively represent the District when participating in and when attending school-sponsored extracurricular events and maintain the highest standards of conduct, demeanor, and sportsmanship.
11. Immediately report to an administrator, teacher, school employee, or school-authorized adult (such as a chaperone) information related to weapons possession, alcohol or any illegal substance possession on school property; immediately report threats of harm to another person that have been made on school property or have potential to occur on school property.
12. Use non-sexist, non-racist, non-biased language.
13. Respect and treat others with tolerance and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
14. Use communication that is non-confrontational and is not obscene or defamatory.
15. Report acts of bullying, discrimination, harassment, and other inappropriate actions that harm or would reasonably harm others.
16. Control anger.
17. Act and speak respectfully about issues/concerns and show respect to other persons.
18. Adhere to the Code of Conduct.

II. ROLE OF PARENT(S)/GUARDIAN(S)

A. Duties and Responsibilities

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

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community;
2. Send their child(ren) to school (as required by the New York State Education Law) ready to participate and learn. The expectation is that each student should be well nourished, well rested, and given the safest and most supportive living environment that the parent/guardian can provide;
3. Ensure their children attend school regularly and on time, are dressed and groomed in a manner consistent with the Student Dress Code, and make certain that all absences are properly excused (per Poland CSD Policy 7001 requirements);
4. Provide for their child(ren)'s health, well-being, personal cleanliness, and suitable grooming and dress;
5. Guide their child(ren) from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for his/her actions;
6. Teach their child(ren) respect for the law, the authority of the school, and the rights and property of others;

7. Know, understand, and support the rules their child(ren) is/are expected to observe at school, a bus stop, and on a school bus; help their child(ren) understand these rules; be aware of the consequences for violation of these rules; and accept legal responsibility for their child(ren)'s actions;
8. Foster in their child(ren) a desire to learn by providing a place conducive for study and ensuring completion of homework assignments;
9. Become acquainted with their child(ren)'s school, its staff, curriculum, and activities, and attend parent/guardian-teacher conferences and school functions;
10. Help their child(ren) deal effectively with peer pressure and emerging personal, social, and emotional issues;
11. Inform school officials regarding changes in the home situation that may affect conduct or performance;
12. Provide accurate family information to the District, to include making sure that the District and the child's (children's) school has the parent's/guardian's current address, and other information to insure the District's ability to make contact for emergencies and for educational purposes (e.g. phone numbers, email addresses, names and phone numbers of emergency contact personnel). Emergency information and contact persons should be kept current, to include the names and phone numbers of all adults (over 18 years of age) who are allowed to pick-up the child(ren);
13. Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex;
14. Help their child(ren) understand that in a democratic society rules are required to maintain a safe, orderly environment;
15. Convey to their child(ren) a supportive attitude toward education and the District;
16. Build relationships with teachers and maintain a climate of mutual respect when dealing with school personnel;
17. Provide a place for study and ensure homework assignments are completed;
18. Adhere to the Code of Conduct.

III. ROLE OF TEACHERS, ASSISTANTS, AND PARAPROFESSIONALS

A. Duties and Responsibilities

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

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with the intent of strengthening students' self-concept and promoting confidence to learn;
2. Reflect a personal enthusiasm for teaching and learning, demonstrate a genuine concern for the individual student, and conduct themselves as positive role models for the students;
3. Guide learning activities so students learn to think, and reason, assume responsibility for their actions, and respect the rights of others;

4. Enable students to discuss their problems by listening to students, remaining open minded, and consulting student thoughts and recommendations in a decision making process;
5. Participate in the establishment of school rules and regulations regarding student behavior in school buildings, on school buses, and at all school activities; explain these rules to students and require observance of them in a fair and consistent manner;
6. Communicate to students and parents/guardians:
 - a. Course objectives and requirements,
 - b. Marking/grading procedures,
 - c. Assignment deadlines,
 - d. Expectations for students,
 - e. Classroom management plan, and
 - f. Status of being in jeopardy of course failure and what assignments and assessments impact students' ability to pass;
7. Refer to a counselor, school nurse, social worker, or administrator any student whose behavior requires special attention;
8. Communicate regularly with students, parents/guardians, and other teachers concerning achievement and growth, classroom expectations, and their classroom discipline plan;
9. Seek to develop close cooperative relationships with parents/guardians for the educational benefit of the student by keeping open communication with the parent/ guardian, to include sending communications home promptly and regularly;
10. Report to the principal, the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial incident or awareness of the incident occurred;
11. Be prepared to teach;
12. Demonstrate interest in teaching and concern for student achievement;
13. Know school policies and rules, and enforce them in a fair and consistent manner;
14. Adhere to the Code of Conduct.

IV. ROLE OF SCHOOL SUPPORT STAFF

A. Duties and Responsibilities

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

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems;
2. Conduct themselves as positive role models;
3. Know school policies and rules, and enforce them in a fair and consistent manner;
4. Encourage students to participate in and benefit from the curriculum and extracurricular programs offered by the District;
5. Adhere to the Code of Conduct.

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

A. Duties and Responsibilities

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

1. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;
2. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
3. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's or staff member's attention in a timely manner;
4. Initiate conferences, as necessary, between teacher, student and parents/guardians;
5. Annually review with students their educational progress;
6. Provide information to assist students with career and college planning;
7. Encourage students to benefit from the curriculum and extracurricular programs;
8. Refer to a school nurse, administrator or outside agency, any student whose behavior requires special attention;
9. Report to the principal, the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial incident or awareness of the incident occurred;
10. Assist students in coping with peer pressure and emerging personal, social, and emotional problems;
11. Be available for a pupil-teacher-principal conference if the principal feels such action is necessary;
12. Know school policies and rules, and enforce them in a fair and consistent manner;
13. Adhere to the Code of Conduct.

VI. ROLE OF BUILDING ADMINISTRATORS

A. Duties and Responsibilities

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

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with the intent of strengthening students' confidence and ability to learn;
2. Seek to develop a sound and helpful atmosphere of mutual respect and develop many opportunities for parents/guardians to visit school;

3. Ensure that students, parents/guardians, and staff have the opportunity to communicate with the principal and redress grievances;
4. Be positive role models for students and staff;
5. Evaluate all instructional programs annually in order to develop a meaningful education program;
6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are addressed/resolved promptly, consistently, and fairly;
7. Utilize all appropriate auxiliary staff and outside agencies to help parents/guardians and students identify problems and seek solutions. Provide information to parents/guardians on support services available through the school and in the community;
8. Maintain open lines of communication between the school and the home;
9. Facilitate professional development of staff members and support in-service programs;
10. Help staff self-evaluate procedures, attitudes, and student performance data in each course/classroom;
11. Establish the chain of command/authority in the building when absence is required;
12. Maintain a record of disciplinary referrals (which would include the name of the referred the student, reason for referral, and date of referral) from teachers; indicate the outcome for each referral that is made;
13. Counsel a student referred for discipline or support as immediately as possible;
14. Provide the superintendent with a notification (such as a copy of the letter sent to the parents/guardians) when a student is suspended.
15. Submit a written follow up report to the superintendent, when requested, as to the student's status after the suspension;
16. Report to the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days later;
17. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning;
18. Support ongoing student participation in appropriate extracurricular activities;
19. Know school policies and rules; enforce them in a fair and consistent manner;
20. Adhere to the Code of Conduct

VII. ROLE OF THE SUPERINTENDENT

A. Duties and Responsibilities

As the educational leader of the school District, the superintendent is responsible to:

1. Maintain a climate of mutual respect and dignity for all students, regardless, of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with the intent of strengthening students' confidence and promote learning.
2. Review with District administrators and policies of the Board of Education and state and federal laws relating to school operations and management;

3. Inform the Board about new trends to student discipline. Work to create instructional programs that minimize misconduct and are sensitive to student and teacher needs;
4. Work with District administrators in enforcing the Code of Conduct and ensuring that all disciplinary incidents are resolved promptly and fairly;
5. Maintain and review the discipline data of the district;
6. Convene a superintendent's hearing pursuant to Section 3214 of the Education Law;
7. Process reports of harassment, bullying and/or discrimination, including insuring that an appropriate investigation is conducted and appropriate reports are made to law enforcement;
8. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
9. Know school policies and rules; enforce them in a fair and consistent manner;
10. Adhere to the Code of Conduct.

VIII. ROLE OF THE BOARD OF EDUCATION

A. Duties and Responsibilities

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

1. Establish District policy;
2. Collaborate and provide opportunity for students, teachers, administrators, and parent/ guardian organizations, school safety personnel and other school personnel to assist in developing a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions;
3. Provide adequate personnel and sufficient building space, so that the conditions within the school are conducive to a positive learning environment;
4. Listen and respond to the views of the community;
5. Employ qualified personnel who are understanding, sensitive to, and in child-centered;
6. Provide time for regularly scheduled in-service training for all employees;
7. Lead by example by conducting Board meetings in a professional, respectful, courteous manner;
8. Know school policies and rules and support enforcement in a fair and consistent manner;
9. Annually review the Code of Conduct.

CHAPTER 3

STUDENT CONDUCT

I. STUDENT CONDUCT

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

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

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

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

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students will be bound by the Code of Conduct whenever they are on any school District property, or are engaged in or attending any school function, regardless, of the time or reason(s) for their presence. Any direct or personal act or behavior which is prohibited under the Code of Conduct is also prohibited when performed by use of *computers, the internet*, cell phones, telephones, or other communications media when the communication originates from or ends on District property or at any school or school related function, or may in the judgment of District officials disrupt or interfere with the educational process; or pose a threat to the safety of any person lawfully on District property or at a school or school related function.

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

II. PROHIBITED STUDENT CONDUCT

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

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

A. Disorderly Conduct

Examples of disorderly conduct include but are not limited to:

1. Running in hallways;
2. Making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar, or abusive;
4. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable technology use policy;
5. Engaging in any willful act which disrupts the normal operation of the school community;
6. Trespassing on campus; students are not permitted in any part of the school building, other than the rooms where they regularly attend classes, without permission from the administrator in charge of the building;
7. Obstructing vehicles, impeding pedestrian traffic, or loitering on school premises.

B. Insubordinate Conduct

Examples of insubordinate conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
2. Being late for school, missing, or leaving school without permission; failing to follow sign-in/sign out procedures;
3. Skipping detention;
4. Interference in the performance of duties of school personnel.

C. Disruptive Conduct

Examples of disruptive conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students;
2. Failing to follow the established Dress Code (*Chapter 4*);
3. Being unprepared for class;
4. Persistently disobedient behavior;
5. Insubordination;
6. Tardiness;
7. Horseplay.

D. Violent Conduct

Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching and/or scratching) upon another student, staff member, or any other person lawfully on school property or attempting to do so;
2. Possessing a weapon, which constitutes a firearm or destructive device, on school premises and/or at a school function or event. (Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function);
3. Displaying what appears to be a weapon;
4. Threatening to use a weapon or such other device or item that is brandished as a weapon;
5. Threatening to cause bodily harm;
6. Intentionally damaging or destroying personal property, to include that of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson;
7. Intentionally or with reckless indifference or disregard damaging or destroying School District property;
8. Fighting and/or using any form of physical force against another person;
9. Instigating or initiating a fight against another person.

E. Unsafe, Potentially Dangerous, or Dangerous Conduct

Examples of such conduct that endangers self or others includes but is not limited to:

1. Actions
 - a. Lying to school personnel;
 - b. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
 - c. Selling, using, or possessing obscene material;
 - d. Using vulgar or abusive language, cursing, or swearing;
 - e. Gambling beyond school-approved fundraising events;
 - f. Exposing to sight of the private parts of the body in a lewd or indecent manner;
 - g. Initiating a report warning of fire and/or bomb threat, or other catastrophe, without valid cause;
 - h. Misusing of the “911” emergency response system;
 - i. Discharging a fire extinguisher;
 - j. Displaying affection inappropriately;
 - k. Instigating or encouraging other person(s) to violate the Code of Conduct.
2. Emotional Abuse
 - a. Defamation: which includes making false, unprivileged statements or representations, or misrepresentations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;

- b. Discrimination: which includes the use of race, color, weight, ethnic group, national origin, religion, religious practice, gender, (including gender identity or expression), sexual orientation, sex or disability as a basis for treating another in a negative manner;
- c. Harassment: or bullying, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements, either verbal or physical, directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning as defined in Appendix B II of the Code of Conduct, labeled “Definitions;”
- d. Intimidation: which includes engaging in actions or statements that put an individual in fear of bodily harm;
- e. Bullying: which includes inappropriate behavior that:
 - (1) Threatens or intimidates, others;
 - (2) Treats others cruelly, terrorizing, and/or coercing another individual or group of individuals;
 - (3) Insults or puts down others.

The bullying may include:

 - (1) Physical acts such as hitting or kicking;
 - (2) Verbal acts such as using words to berate, hurt, or humiliate;
 - (3) Social/emotional behaviors such as maliciously spreading rumors and/or actively excluding a person from the peer group to cause emotional harm;
 - (4) Cyberbullying.
- f. Hazing: which includes committing an act against a student, or coercing a student into committing an act that creates a risk of emotional, physical, or psychological harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. For the purposes of this hazing prohibition, a “student organization” means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.
Examples of the term hazing may include, but are not limited to:
 - (1) Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless, of the student’s willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student);
 - (2) Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restraint or confinement, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (3) Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation that adversely affects the health or dignity of the students or discourages the student from remaining in school;

(4) Any activity that causes or requires the student to perform a task or act that involves violation of state or federal law or of school District policies or regulations.

g. Inappropriate Physical Contact/Sexual in Nature.

3. Substance Abuse

- a. Possessing, distributing or using of tobacco (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes, vapor pens, etc.);
- b. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages;
- c. Possessing, consuming, selling, distributing, or exchanging illegal substances, or being under the influence of either (including any instruments for the use of such drugs, or marijuana such as pipe, syringe, or other paraphernalia). “Illegal substances” include, but are not limited to, inhalants, marijuana, synthetic marijuana or cannabinoids, including but not limited to items labeled as incense, herbal mixtures or potpourri, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, bath salts, and any substances commonly referred to as “designer drugs”;
- d. Inappropriately using or sharing prescription medications, over-the-counter drugs, inhalants, herbal/“natural” or any intoxicants of any kind, when possession is unauthorized or such are inappropriately used or shared with others. Nothing herein shall be construed to apply to the lawful admission of a prescription on school property to the person for whom the prescription was written, provided usage of the medication is consistent with District policy;
- e. Representing to any person, for the purposes of sale or distribution, that any substance, irrespective of actual composition, is an alcoholic beverage or an illegal substance, shall be deemed actionable within the meaning of this section as an attempted possession, possession sale, or distribution of a prohibited product.

F. Transportation and/or School Vehicle Misconduct

Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Acts such as excessive noise, pushing, shoving and fighting will not be tolerated.

G. Academic Misconduct

Examples of academic misconduct include but are not limited to:

1. Plagiarism;
2. Cheating;
3. Copying;
4. Altering records;
5. Assisting in any of the above actions.

In addition to the preceding standards of conduct, the District prohibits discrimination and

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

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

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

CHAPTER 4

DRESS CODE

I. STUDENT DRESS CODE

A. Intent

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

B. General Obligations

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions.

Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance.

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

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

C. Student's Dress and Appearance

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

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Extremely brief or revealing garments will not be allowed. For school purposes, exposure of the male or female navels or buttock area, bare chests, or cleavage is not appropriate and not permitted;
3. Underwear and undergarments must be completely covered with outer clothing;
4. Footwear must be worn at all times; footwear must not create a safety hazard to the activity at hand;
5. Hats and/or headgear, including the wearing of a hood, mask, or sunglasses, shall not be worn during the instructional day except for medical, religious, and/or school approved purposes;

6. Clothing shall not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, nationality, gender (including gender identity or expression), sexual orientation, or disability;
7. Clothing shall not promote or endorse the abuse of alcohol, tobacco, e-cigarettes, and/or illegal drugs; or encourage illegal or violent activities;
8. Clothing accessories, which pose a potential threat to student safety, such as heavy chains or spiked jewelry, shall not be permitted.

D. Violations of Dress Code

Students who violate the Dress Code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.

Any student who refuses to do so shall be subject to disciplinary action up to and including suspension for the day.

Any student who repeatedly fails to comply with the Dress Code shall be subject to further discipline, up to and including out-of-school suspension.

CHAPTER 5

CELL PHONE & USAGE OF ELECTRONIC DEVICES

I. CELL PHONE ACCESS DURING THE SCHOOL DAY

- A. Cell phone use is permitted at the discretion of the supervising employee and provided the cell phone use does not create a disturbance or disruption. Staff members may collect students' cell phones at the beginning of a class period or at the start of a specific activity and identify a means to return each cell phone to the proper owner at the end of class period.
- B. Use of cell phones and other electronic devices is prohibited at all times in the restrooms, locker rooms, and shower facilities. ANYONE FOUND USING A CELL PHONE or other wireless device in a restroom, locker room, or shower area, will automatically be disciplined under a 3rd offense and will subsequently move to a 4th offense for violations of the same nature as outlined below.
- C. Use of cell phones and other electronic devices while a student is riding on the bus must comply with the directions given by the bus driver or staff member or adult chaperone accompanying the students. Distracting cell phone use that creates unsafe travel conditions will not be permitted.

II. OUCTOMES WHEN DEVICES ARE DEEMED DISRUPTIVE

If a student is found to be using a cell phone on school property during scheduled school hours, the student will be directed to relinquish the phone to the supervising employee. Failure to relinquish the device will be treated as insubordination, and will result in appropriate discipline, as determined by the school administration.

- A. First Offense: the student will be expected to relinquish the phone to the staff member. When this occurs, the staff member may return the cell phone or technology device at the end of the instructional school day or may turn the device over to the building administrator. A device turned over to the administrator must be accompanied by a disciplinary referral. A device turned over to the administrator must be labeled with the staff member's name and the name of the student who was disruptive with the phone. In most instances, this offense will result in a warning.
- B. Second Offense: the student's cell phone will be held in the principal's office until the end of the school day. At minimum, the student will be required to meet with the principal to review the expected use of wireless communication.
- C. Third Offense: the student's parent/guardian will be notified, and the phone will be held until such time that the student and his/her parent/guardian meet with the principal to review the expected use of wireless communication. In addition, the student will serve one day of after school detention.

- D. Fourth Offense: the student's parent/guardian will be notified, and the phone will be held until such time that a parent/guardian meets with the principal and student to review the expected use of wireless communication. In addition, the student will serve one day of in-school suspension.
- E. Additional Offenses: the student's parent/guardian will be notified, and the phone will be held until such time that a parent/guardian meets with the principal and student to review the expected use of wireless communication. In addition, the student may serve multiple days of in-school suspension or be suspended from school for a period of time commensurate with the circumstances.

NOTE: The penalties apply to the number of offenses, not to a specific device or type of device.

III. DISTRICT USE OF COMPUTER EQUIPMENT/WEBSITES/E-MAIL

No person using District computer equipment, faxes, software owned, leased, or controlled by the District, or websites or Internet access provided by the District, has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail, or Internet access provided by the District.

The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using School District equipment without prior notice or consent.

No person shall knowingly add any program or any hardware attachment (including wireless apparatus) to any equipment without the express written consent of the District's technology department; nor shall any person knowingly or intentionally use any proprietary software on District equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose District equipment to any computer virus, worm, or other technological invader.

No user shall use District equipment to engage in extensive or abusive non-business or non-academic projects or Internet searches.

Any use of District computer equipment or software, or Internet access from District equipment or from school property, which violates federal or state law may be reported to appropriate law enforcement officials, and may also result in both disciplinary action and denial of prospective use of such equipment and of Internet access, and in civil action to recover any judgment, settlement, fine, or penalty imposed upon the District because of such statutory violation.

Any use of such equipment or facilities which violates the provisions of the Code of Conduct may result in both disciplinary and denial of prospective use of such equipment and Internet access. For more information refer to Internet Safety Policy, Computer Resources and Data Management Policy, and Technology Use Policy.

CHAPTER 6

THE DISCIPLINE PROCESS

I. REPORTING AND RESPONDING TO VIOLATIONS

A. REPORTING POSSIBLE VIOLATIONS

Anyone who observes a violation of the Code of Conduct is expected to promptly report the violation to a teacher, counselor, or administrator.

Anyone who observes a weapon, tobacco product, alcohol or any illegal substance is to report this information immediately to a teacher, principal, or superintendent.

Additionally, anyone with knowledge of someone making a threat of violence against another person or persons in the school must promptly report this information to a teacher, counselor, principal, or superintendent.

All District staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner.

District staff not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn investigate the incident, impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol, tobacco products, illegal substance, or medication not authorized by a physician, that is found shall be confiscated immediately, if possible, followed by notification to the parent/guardian of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

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

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

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

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

B. Responding to Possible Harassment or Discrimination

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the District's Equal Opportunity and Nondiscrimination Policy.
2. The District has also designated a Dignity Act Coordinator for each school. Those coordinators are:

Gina Smith, Dean of Students
Poland CSD (315) 826-7900

Gregory Haver, Athletic Director
Poland CSD (315) 826-7900

Gregory Cuthbertson, Principal
Poland CSD (315) 826-7900

Jessica Hartman, Director of Special Education
Poland CSD (315) 826-7900

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

C. No Retaliation for Reporting

1. No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code of Conduct, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of the Code of Conduct.

II. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

A. Considerations

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

Disciplinary action, when necessary, will be firm, fair, impartial, 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 that led to the offense;
3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents/guardians, teachers, and others, as appropriate;
6. Extenuating circumstances.

As a general rule, discipline will be progressive. This means a student's first violation will usually merit a lighter penalty than subsequent violations. The District may, however, impose any level of discipline (even for a first violation) that is proportionate to the misconduct at issue. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education; discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

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

B. Procedures

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

All students are to be given the opportunity to present their version of the facts surrounding the alleged violations to the appropriate school personnel prior to their imposition of a disciplinary penalty.

Written warning and/or written notification will be given to the parent(s)/guardian(s) of a student who faces a penalty or penalties in excess of an oral warning. A student who is to be given penalties other than a warning, written warning, or written notification to parent/guardian is entitled to additional rights before the penalty is imposed. These additional rights are explained below.

C. Penalties and Who May Impose Them

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

1. Oral warning - any member of the District staff;
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, dean of students, principal, superintendent;
3. Written notification to parent/guardian - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, dean of students, principal, superintendent;
4. Detention - dean of students, principal, superintendent;
5. Suspension from transportation - director of transportation, dean of students, principal, superintendent;
6. Suspension from athletic participation - coaches, athletic director, dean of students, principal, superintendent;
7. Suspension from social or extracurricular activities - activity director, dean of students, principal, superintendent;
8. Suspension of other privileges – dean of students, principal, superintendent;
9. In-school suspension – dean of students, principal, superintendent;
10. Removal from classroom by teacher - teachers, dean of students, principal;
11. Short-term (five days or less) suspension from school – dean of students, principal, superintendent, Board of Education;
12. Long-term (more than five days) suspension from school – superintendent, acting superintendent, Board of Education;
13. Permanent suspension from school - superintendent, Board of Education;
14. Restitution (in the instance of vandalism or other actions that result in the damage of personal or school property) – superintendent and Board of Education. Restitution for damage to property – principal, superintendent; and
15. Work detail – principal, superintendent.

D. Types of Disciplinary Penalties

1. Detention

Teachers may require a student to stay after school with him or her; the dean of students, principal, and the superintendent may use after school detention with a specified adult as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents/guardians shall be notified of all detentions and be made aware of who assigned the detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring written notice of such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or the superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that his or her child gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the principal or the principal's designee to discuss the conduct and the penalty involved.

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

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

4. In-school suspension

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

As such, the Board authorizes the building principal 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/guardian will receive a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher removal of disruptive students

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

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

- a. A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- b. A substantial disruption of the educational process or interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher has the authority to remove a disruptive student from an academic class for up to three days. The removal from class applies to the class of the removing teacher only. For elementary classroom removal applies to the specific academic class when disruption occurred.

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

Within 24-hours after the student's removal, provided that if such twenty-four period does not end on a school day, it shall be extended to the corresponding time on the next school day, the principal must notify the student's parents/guardians, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or the principal's designee and teacher to discuss the reasons for the removal. The teacher who has ordered the removal will be required to participate.

The written notice must be provided by personal delivery, express mail delivery, or some other means such that is reasonably calculated to ensure receipt of the notice within 24 hours of the student's removal at the last known address for the parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/guardians.

If the building principal deems the disruptive student does not pose a danger or ongoing threat of disruption to the academic process and the teacher is still seeking removal of the student, the teacher must provide the student and parent/guardian 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 complete the 3-day removal process.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents/guardians a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight (48) hours of the student's removal. If the forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the pupil's removal. The timing of the informal meeting may be extended by mutual agreement of the parent/guardian and principal.

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

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

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

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. 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.

In light of this information, it appears that a teacher may remove a disruptive student with a disability from the classroom under the following scenarios, so long as the removal would not constitute a change in placement.

- Where a student has a behavior intervention plan or Individualized Education Plan ("IEP") that addresses specific behaviors, the plan has been implemented consistently and in good faith, but the plan is not working (that is, the student engages in disruptive

behavior even though prescribed behavior or management strategies are being implemented);

- Where the student has an IEP or Behavior Intervention Plan (BIP), but the disruptive behavior precipitating the removal is “new” and of a different character than the behavior addressed in the IEP;
- The student is afforded the opportunity to continue to appropriately progress in the general curriculum;
- The student continues to receive the services specified in his or her IEP and;
- The student continues to participate with nondisabled students to the extent they would have in their current placement.

6. Suspension from school

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

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

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. Recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five (5) 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/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express or overnight mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians.

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/guardians of the right to request an immediate informal conference with the principal. The notice and informal conference shall be communicated in the language spoken by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents/guardians in writing of his or her decision. The principal shall advise the parents/guardians 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 (5) business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents/guardians are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

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

When the superintendent determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. 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 or reject all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within ten (10) business days of the date of the superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

c. Permanent suspension

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

7. Minimum periods of suspension

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

Any student, other than a student with a disability, who is repeatedly disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five (5) days.

For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this Code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester.

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

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one (1) year suspension for possessing a weapon.

b. Students who commit a violent act other than bringing a weapon to school

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

c. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one (1) calendar year. Before being suspended for this time, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

A student with a disability may be suspended only in accordance with the requirements of state and federal law as described further in Chapter 7 – Discipline of Students with Disabilities of this policy.

E. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling. Resources include, but are not limited to working with the District social worker, the District school psychologist, the District-contracted Prevention Counselor from Catholic Charities, KidsOneida or KidsHerkimer, Insight House, and the Neighborhood Center.

2. PINS (Person in Need of Supervision) Petitions

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

- a. Being habitually truant and/or not attending school as required by part one of Article 65 of the Education Law;
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; or
- c. Knowingly possesses illegal substances or unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

F. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student with due regard for the nature and circumstances of the particular case.

CHAPTER 7

DISCIPLINE OF STUDENTS WITH DISABILITIES

I. GENERAL

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 enjoy 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.

II. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES

A. **Definitions:** For purposes of this section of the Code of Conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Education Law § 3214.

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

An “IAES” means a temporary educational placement for a period of up to forty-five (45) days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student (1) to continue to progress in the general curriculum, (2) to continue to receive those services and modifications, including those described on the student’s current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, (3) and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

1. The Board, the District (BOCES) superintendent of schools, or a building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

2. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (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.
3. The superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. 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 forty-five (45) days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or a school function.
 - (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
5. 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 forty-five (45) days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

III. CHANGE OF PLACEMENT RULE

- A. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 1. For more than ten (10) consecutive school days; or

2. For a period of ten (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 ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- B. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances or infliction of bodily injury.

IV. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

A. Role of the Committee on Special Education

The District's Committee on Special Education shall:

1. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs, or controlled substances.

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

2. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, controlled substances, or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

B. Student Not Determined to be Eligible Under IDEA & Article 89 – Procedural Safeguards

The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA (Individuals with Disabilities Education Act) and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

1. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
2. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - a. conducted an individual evaluation and determined that the student is not a student with a disability, or
 - b. determined that an evaluation was not necessary and provided notice to the parents/guardians of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, controlled substances, or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The parents/guardians of a student with disabilities subject to suspension of five (5) consecutive school days or less shall be provided the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code of Conduct.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. 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 of Conduct.

V. EXPEDITED DUE PROCESS HEARINGS

- A. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code of Conduct, if:
 1. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 2. The parent/guardian 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.
 - a. 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/guardians and the District agree otherwise.

- b. 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.
3. An expedited due process hearing shall be completed within fifteen (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/guardians within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

VI. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

A. 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. Where appropriate, the superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities when a crime is reported.

CHAPTER 8

REASONABLE FORCE

I. GENERAL

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

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

- A. To protect oneself, another student, teacher, or any other person from physical injury;
- B. Protect the property of the school or others;
- C. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

III. REPORTING CORPORAL PUNISHMENT

The superintendent is hereby directed to develop and implement a reporting procedure that will enable the District to summarize complaints relative to the alleged administration of corporal punishment. Such summaries will include references to the substance of each/all complaints, the result(s) of the investigation of each/all complaints, and whatever action(s), if any, was/were taken by the administration of the District. The summary of each/all complaints shall be available for submission to the Commissioner of Education in accordance with Commissioner's Regulations (semi-annually, by January 15th and July 15th of each year).

CHAPTER 9

PERSONAL SEARCHES AND INTERROGATIONS

I. GENERAL

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

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

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

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

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

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

II. TYPES (LOCATIONS) OF SEARCHES

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

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

B. Personal Searches

In general, school personnel will not conduct strip searches; however, if the authorized school official considers the situation necessary (i.e.: safety and urgency *require* the search), the student's parent/guardian, where practicable, will be asked to assist with such a search conducted by law enforcement officials. In the event that a parent cannot be reached directly, the school administrator will contact all emergency contacts in the student management system to gain assistance in reaching the parent or have a designated family member present.

III. DOCUMENTATION OF SEARCHES

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

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

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

IV. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS

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

- A. A search or an arrest warrant; or
- B. Probable cause to believe a crime was committed on school property or at a school function; or
- C. Been invited by school officials.

When police are permitted to interview students at school, the students have the same Constitutional Rights they have outside of school. Parents/guardians will be notified as soon as possible. If police wish to speak to a student concerning an out-of-school matter (in the absence of a warrant or probable cause for suspicion), they will be directed by school officials to take the matter up directly with the student's parents/guardians.

All students who are questioned by police officials on school property or at a school function must be:

- A. Informed of their legal rights;
- B. May remain silent if they so desire; and
- C. May request the presence of an attorney.

V. CHILD PROTECTIVE SERVICES INVESTIGATIONS

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school District official of the opposite sex. A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's/guardian's consent.

CHAPTER 10

VISITORS TO SCHOOL

I. GENERAL

The Board encourages parents/guardians and 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 principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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 main office upon arrival at the school. There, they will be required to sign the visitor's register and receive a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return to the office, return the identification badge, and record a departure time;
3. Visitors attending school functions that are open to the public during non-school hours, such as parent/guardian booster club meetings, sporting events, or public meetings, are not required to register;
4. Parents/guardians or citizens who wish to observe a classroom while school is in session are required to arrange the visits in advance with the classroom teacher(s)/principal to minimize learning disruptions;
5. Teachers are discouraged from using instructional time to discuss individual matters with visitors;
6. Unauthorized persons on school property will be reported to the principal or other designee. Unauthorized persons may be asked to leave. Police may be called, if warranted;
7. All visitors are expected to abide by the rules for public conduct on school property in this Code of Conduct.

II. IN-SERVICE EDUCATION PROGRAM/INFORMATION FOR STAFF

At the start of each school year, the District shall provide all staff with in-service education with respect to the Code of Conduct. Changes to District expectations for conduct on school grounds/school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and harassment against students by other students or school employees will be communicated.

III. REGISTERED SEX OFFENDERS ON SCHOOL PROPERTY

- A. A Registered Sex Offender, that being a person who has been convicted of a sexual offense as defined by the provisions of Section 130.00 of the Penal Law of the State of New York and has been designated a Level 2 or 3 Sex Offender as defined under the provisions of Article 6-C of the New York State Correction Law, shall not be allowed onto any school property and/or attend a school function without the prior approval of the District Superintendent.
- B. The superintendent may impose such restrictions and/or limitations upon a Level 2 or 3 Registered Sex Offender's ability to be on school property and/or attend a school function as may be reasonable and deemed in the best interest of the District and its students.

CHAPTER 11

PUBLIC CONDUCT ON SCHOOL PROPERTY

I. GENERAL

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

The restrictions on public conduct on school property and at school functions contained in this Code of Conduct 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 of Conduct is to maintain public order and prevent abuse of the rights of others, not to prevent or restrain controversy or dissent.

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

II. PROHIBITED CONDUCT

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

- A. Intentionally injure any person or threaten to do so;
- B. Commit acts which threaten the safety and well-being of persons on or at a school or educational facility/ property, or at school functions;
- C. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson;
- D. Use or remove District property, or property under its jurisdiction, without authorization;
- E. Obstruct or disrupt teaching, research, administration, disciplinary procedures, (Disrupt the orderly conduct of classes,) school programs or other school District activities;
- F. Deliberately disrupt the peaceful and orderly conduct of classes, lectures, and meetings, or deliberately interfere with the freedom of any person to express views, including invited speakers;
- G. 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;
- H. Intimidate, harass, discriminate, or bully any person on the basis of one’s actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender, (including gender identity and expression), or sex;
- I. Enter upon, or remain in, any building, facility, or any portion of the school premises without authorization, enter into any building or facility prior to its normal opening or remain in any building or facility after it is normally closed, without authorization;

- J. Obstruct the free movement of any person in any place to which this Code of Conduct applies;
- K. Be insubordinate to or use abusive language to and/or refuse to obey the reasonable requests and/or directions, of an administrative official, officer, teacher or school staff member of a school or educational facility;
- L. Refuse to identify himself/herself to school personnel;
- M. Violate the traffic laws, parking regulations or other restrictions on vehicles, *including the use of snowmobiles, all-terrain vehicles (ATVs), or other such motorized vehicles*;
- N. Possess, consume, use, sell, distribute, or exchange alcoholic beverages, tobacco products, controlled substances, over the counter or prescribed medications, inhalants, herbal/"natural" or any intoxicants of any kind, or be under the influence of either on school property or at a school function;
- O. Have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm, knife or weapon, whether or not a license to possess the same has been issued to such person, without the written authorization of the superintendent. Peace officers in the performance of their duties are precluded from this prohibition; Possess or use weapons on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District.
- P. Loiter on or about school property;
- Q. Gamble on school property or at school functions;
- R. Refuse to comply with any reasonable order of identifiable school District officials performing their duties;
- S. Willfully incite others to commit any of the acts prohibited by this Code of Conduct;
- T. Violate any federal or state statute, local ordinance, or Board of Education policy while on school property or while at a school function.

III. PENALTIES

Persons who violate this Code of Conduct shall be subject to the following penalties:

- A. Visitors (not District students or staff) shall be directed to leave the premises and/or function. Authorization, if any, to remain on school grounds or at the school function shall be withdrawn. If the visitor refuses to leave, the individual will be subject to ejection.
- B. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- C. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights.
- D. Civil Service staff members shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights.
- E. Other staff members not described above shall be subject to reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights.

IV. ENFORCEMENT OF CONDUCT

The principal or the principal's designee shall be responsible for enforcing the conduct required by this Code of Conduct.

When the principal, or designee, sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal, or his or her designee, shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. (The principal, or 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, parent/guardian, community member or staff member, as appropriate, within 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 of Conduct.

CHAPTER 12

DISSEMINATION AND REVIEW OF THE CODE OF CONDUCT

I. DISSEMINATION AND REVIEW

A. Dissemination

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

1. Posting the complete Code of Conduct on the District’s website, including any annual updates or amendments;
2. Providing copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
3. Mailing a plain language summary of the Code of Conduct to all persons in a parent/guardian relation to the students before the beginning of each school year and making the summary available thereafter upon request;
4. Annually providing each teacher with a copy of the complete Code of Conduct and a copy of any amendments as soon as practicable; providing new teachers with a complete copy of the current Code of Conduct upon their employment;
5. Making printed copies of the Code of Conduct available for review;
6. Annually training school staff in the Dignity Act, including, but not limited to, guidelines of promoting a safe, supportive school climate and methods to discourage discrimination or harassment.
7. Providing “safe and supportive school climate concepts” in the District curriculum.

The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to support development of a school environment free of harassment, bullying and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying and/or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. Currently, the District uses the Olweus (which is pronounced “ōl-vay-us”) Aspects of Olweus instruct students on the principles of honesty, tolerance, personal responsibility, respect, laws and rules, courtesy, dignity, and other traits that positively contribute or enhance the school community.

The Board will receive notice when the in-service education for all District staff members does not occur in the opening week of school. The superintendent may provide additional in-service programs pertaining to the management and discipline of students as deemed necessary.

B. Age Appropriate Restatement of the Code of Conduct

A student should never feel that it is not safe for you to come to school and participate in all school activities. Students should never be prevented from concentrating on schoolwork because another student or an employee is teasing you, making fun of you, pushing you around, or threatening you in some way, because of race, color, weight, national origin (which means where your family comes from), ethnic group (heritage, culture, or neighborhood), religion, religious practices, disability, sexual orientation, gender (including gender identity or expression) or sex, or any other reason.

School rules do not allow students to act toward another student in a way that would reasonably make the other person feel threatened or unsafe, or unable to concentrate on school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group (heritage, culture, or neighborhood), religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex, or any other reason.

School rules do not allow physical actions, verbal statements (words), or technology use that makes another student feel threatened or unsafe, or unable to concentrate on school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group (heritage, culture, or neighborhood), religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex, or any other reason.

C. Annual Review

Every year, the Board of Education will review this Code of Conduct and update its content as necessary (Education Law §2801(5)). In conducting its review, the Board will consider how effective the Code of Conduct has been and whether the Code of Conduct has been applied fairly and consistently.

The Board of Education may appoint an advisory committee to assist in reviewing the Code of Conduct and the District's response to Code of Conduct violations. Such committee will include representatives that are students, teachers, administrators, parents, school safety personnel, and other school personnel, and community members.

Before adopting any revisions to the Code of Conduct, the Board of Education will hold at least one public hearing at a regular Board meeting which school personnel, parents/guardians, students and any other interested party may participate (Education Law §2801 (5) (a)).

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

APPENDIX A

STUDENTS' RIGHTS AND RESPONSIBILITIES

<i>It shall be the right of each student ...</i>	<i>and the responsibility of each student ...</i>
To have a safe, healthy, orderly, and courteous school environment;	To contribute to an orderly learning environment, dress in accordance with the standards set by the Code of Conduct's Dress Code and show respect toward others and their property;
To take part in all District activities on an equal basis;	To conduct oneself to the highest standard of behavior, demeanor and sportsmanship Whether participating or attending school sponsored activities, to conduct oneself;
To attend school and have an opportunity to participate in school programs;	To be at school on time, in class every day, unless legally excused, and work toward the highest level of achievement in all academic and extra-curricular pursuits;
To have access to school rules and, when necessary, receive an explanation of those rules from school personnel;	To be familiar with the Code of Conduct and abide by all District policies, rules, and regulations that pertain to students;
Present relevant facts to school personnel authorized to impose a disciplinary action;	To promptly report all violations of the District Code of Conduct to a school employee;
To express opinions as long as the expressions do not infringe upon the rights of others or disrupt school operations.	To react to direction given by school personnel in a respectful, positive manner, and to maintain self-control.

APPENDIX B

DEFINITIONS

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

“Administrators” mean the superintendent, the building/program administrators (such as principal, dean of students, administrator for special education, and athletic director), District-wide administrators, the Supervisor of Transportation or designee, and security supervisors.

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

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

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

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

“Building/Program Administrator” includes building principal, dean of students, and administrator for special education.

“Certified/Professional Staff” means all teachers, counselors, psychologists, speech pathologists, and certified or licensed individuals who are employed by the District, or under contract or assignment to the District.

“Controlled Substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to the IDEA.

“Cyberbullying” means harassment or bullying that occurs through any form of electronic communication.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of

such an impairment, or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

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

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

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

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

“Gender Identity” means a person’s Gender-related identity, appearance or behavior, whether or not that gender-related, identity, appearance or behavior is different from that traditionally associated with the persons physiology or assigned sex at birth.

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

1. Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; including conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
2. Reasonably cause or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

This Code of Conduct applies to all acts of harassment or bullying that occur on school property or at a school function; as well as, to acts occurring off school property when (i) those acts create or

would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that he conduct, threats, intimidation or abuse might reach school property.

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

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

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

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

“Physical Injury” means any impairment of physical condition, or intentional infliction of pain.

“School Personnel” means any part-time or full-time employee of the school District.

“School Function” means any school-sponsored extracurricular event or activity. For the purposes of this policy, a “school function” is defined as any event, occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips, or other school-sponsored trips.

“School Property” (§2801(1)) means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in Vehicle and Traffic Law §142.

“Sexual Orientation” means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality.

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

“Student with a Disability” means a student with a disability defined in Section 4401(1) of Education Law who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who

because of mental, physical, social, or emotional reasons requires special services and programs to meet their educational needs.

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

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

“Use, Possession, or Sale of Drugs” means illegally using or possessing a controlled substance on school property or at a school function, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance on school property or at a school function; finding a controlled substance on school property or at a school function that is not in the possession of any person, provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not to be considered as drugs under this definition.

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

1. Commits an act of violence upon a school employee or student, or attempts or threatens to do so. The threat of bodily harm (i.e.: “I’m going to hurt/kill you”, for example) shall be deemed to be an act of violence, if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to or is likely to occur;
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so. The threat of bodily harm, as described above, shall also be deemed an act of violence;
3. Possesses, while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of a teacher, any school employee, or any person lawfully on school property or at a school function; and

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

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

1. Weapons possession;
2. Homicide, meaning any conduct that results in the death of another person;
3. Personal injury and/or intimidation, which shall be defined as set forth in the Regulations of the State Commissioner of Education, and shall be deemed to include incidents such as assault; criminal harassment; intimidation or “bullying”, including threatening, stalking or seeking to coerce or compel a person to do something; menacing; kidnapping; sexual offenses, including rape, sodomy, sexual abuse, or other inappropriate contact of a sexual nature; the use, possession or sale of drugs or alcohol, prohibited by this Code of Conduct or by law, including having such substances on a person, or in a locker, book bag, packs, purses, personal belonging, or functionally equivalent items; theft; behavior risking injury, including bomb threats, false alarms, arson, riot, burglary, or criminal mischief.

“Visitor” means anyone who is not a part-time or full-time employee of the school District or a student of the school.

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

APPENDIX C

GUIDELINES FOR STUDENT DISCIPLINE

I. GENERAL COMMENTS

A. A well-managed school is correlated to key principles noted and identified in BOYSTOWN (2015) resources and summarized below. BOYSTOWN materials describing the information below in a more detailed manner are available from the superintendent and principal.

- 1) The school represents a community.
- 2) Connecting with students and developing healthy relationships matters; supporting healthy *between/among* students matters.
- 2) Certain strategies increase opportunities for student success.
- 3) Healthy school climates accentuate the positive.
- 4) The school has a responsibility to communicate and work in partnership with parents/guardians.

Well-managed schools focus on an intervention model that focuses on environments and skill deficits, develops skill and teaches replacement behavior, places a greater emphasis on positive approaches, focuses on a goal of lifelong social/emotional competence, and recognizes that behavior management is an ongoing process. Managing the learning environment includes 4 steps.

- 1) Adult initiates correction(s).
- 2) Adult shares some corrective strategies for the student to apply.
- 3) Adult identifies the progression of consequences.
- 4) Adult makes a referral to the building administrator.

II. PROACTIVE APPROACHES TO DISCIPLINE

Posters describing strategies for these 14 social skills are available in the Main Offices.

- A. Rules and Expectations should be
1. Stated behaviorally and positively;
 2. Limited to no more than five general behaviors;
 3. Manageable and enforceable;
 4. Consistent with school policies;
 5. Posted, communicated, and frequently reviewed.

Examples of key classroom behaviors to review with students are:

-what to do when work is done -what is expected with cell phones -what is expected for assemblies

Key social skills that may be necessary to review with students are:

-How to work with others -How to get your attention
-How to accept 'no' for an answer -How to disagree appropriately
-How to greet others -How to apologize

Posters describing strategies for these and other BOYSTOWN critical social skills are available in the Main Offices.