

CODE OF CONDUCT

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CODE OF CONDUCT***CHAPTER 1: INTRODUCTION*****1. GENERAL COMMITMENTS AND EXPECTATIONS**

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 visitors is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions based on the principles of civility, respect, citizenship, honesty, and integrity and prohibits discrimination and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct), verbal statements, intimidation, or abuse. A hostile environment is created when actions or statements directed at a student (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, benefits, or mental, emotional, or physical well-being or (2) has or would reasonably have the effect or be expected to cause emotional harm or fear of physical injury and safety.

The prohibition of discrimination includes, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, traits historically associated with race, national origin, ethnic group, religion, religious practices, weight, disability, sexual orientation, sex or gender (including gender identity or expression). The non-discrimination policy applies to the admission of students and their access to educational programs and activities, and to the employment of staff by the District. The District maintains a procedure to receive reports of conduct that might be sexual harassment and to receive formal complaints of conduct that might be sexual harassment. To report conduct or make a formal complaint, a person may contact the District's 2020-2021 Title IX Coordinator. (Mr. Chad Hess, chess@polandcsd.org) or complete the incident reporting form that is part of the District's policy manual.

Prohibition of harassment or bullying includes acts occurring on school property or at a school function and to acts occurring off school property when the acts create or would foreseeably create risk of substantial disruption within the school environment, and it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

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 Commissioner's Regulations, in collaboration with students, teachers, administrators, parent/guardian groups, school safety personnel, and other school personnel.

The Board recognizes the need to clearly define expectations for acceptable conduct on school property, identify possible consequences of unacceptable conduct, and ensure that discipline, when necessary, occurs promptly, fairly, and lawfully. To this end, the Board adopts this Code of Conduct (which may be interchangeably referred to as "Code") and will review the Code annually prior to the opening of a new school year. At any time the Board revises the Code of Conduct, the Superintendent shall communicate changes as necessary and appropriate.

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II. APPLICABILITY

Unless otherwise indicated, this Code of Conduct applies to all students, school personnel, parents/guardians, and visitors on Poland Central School District property, in District-owned vehicles, or attending Poland Central School District functions.

Students enrolled in programs at other school settings (such as a full-day BOCES placement, a half day Career and Technical Education program, P-TECH, or another regional school) are also governed by the Code of Conduct at each specific placement. Parents/guardians who need assistance getting a copy of the Code of Conduct governing other school settings may contact the Poland Central School Guidance Office at 315-826-0214 for assistance.

CODE OF CONDUCT***CHAPTER 2: ROLES FOR THE SCHOOL COMMUNITY***

Roles of school community members are described in this chapter through key rights and responsibilities; while key expectations are identified, the lists are not intended to be exhaustive in nature.

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

I. RIGHTS AND RESPONSIBILITIES OF THE STUDENT

The District is committed to safeguarding 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, bullying, and harassment based on actual or perceived race, color, traits historically associated with race, national origin, ethnic group, religion, religious practice, weight, disability, sexual orientation, sex, gender (including gender identity or expression);
2. Be treated respectfully, fairly, and in compliance with law;
3. Have equal access to all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, sex, or gender (including gender identity or expression);
4. Be provided with school rules and receive an explanation of rules from school personnel or receive clarification of the rules from the dean of students, assistant principal, principal, or superintendent when a request for clarification is made;
5. Be allowed to present relevant information of an event or incident to school personnel authorized to impose a consequence when the potential disciplinary penalty exists; and
6. Have complaints about school incidents investigated and addressed in a prompt, fair and lawful manner.

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, be in class on time, and be prepared to learn;
4. Work at full potential in all academic and extracurricular pursuits and strive toward their highest level of achievement;
5. Respond to and comply with all reasonable directions given by, administrators, teachers, other school personnel, and school authorized adults, in a respectful and positive manner.
6. Ask questions when more understanding is needed;
7. Act and speak respectfully and exercise self-control;
8. Use communication that is non-confrontational, nor obscene or defamatory;
9. Use non-discriminatory language;
10. Immediately report to an administrator, teacher, school employee, school-authorized adult (such as a chaperone), or any other person deemed appropriate any information related to weapon possession, alcohol or illegal substance possession on school property or at school

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- function; immediately report threats of harm to another person that have been made on school property or have potential to occur on school property or at a school function;
11. Report acts of bullying, discrimination, harassment, and other inappropriate actions that harm or would reasonably harm others; and
 12. Respect and treat others with dignity, regardless of actual or perceived race, color, traits historically associated with race, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, or gender (including gender identity or expression);
 13. Dress appropriately in accordance with the Code of Conduct (*See Chapter 4*);
 14. Seek help in solving problems that might lead to a disciplinary action;
 15. Accept responsibility for actions;
 16. Positively represent the District when participating in and attending school and school-sponsored events and maintain the highest standards of conduct, demeanor, and sportsmanship; and
 17. Adhere to the Code of Conduct.

II. RIGHTS AND RESPONSIBILITIES OF PARENT(S)/GUARDIAN(S)

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 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 child(ren) attend school regularly and on time, are dressed and groomed in a manner consistent with the Dress Code (*See Chapter 4*), and make certain that all absences are properly excused (per PCS Policy 7006 Student Attendance requirements);
4. Provide for their child(ren)'s health, well-being, cleanliness, suitable grooming and dress;
5. Complete the necessary forms if ANY prescription or non-prescription medicine is needed for their child(ren)'s use or possession at school or at a school function (See PCS Policy 7102 Student Medications and applicable PCS Regulations);
6. Guide their child(ren) from the earliest years to develop acceptable behavior, exercise self-control and be accountable for his/her actions;
7. Teach their child(ren) respect for the law, school authority, and the rights and property of others;
8. Know, understand, and support rules their child(ren) is/are expected to observe at school, at the bus stop, and on school buses; help their child(ren) understand the rules; be aware of consequences for violating rules; and accept responsibility for their child(ren)'s actions;
9. Foster in their child(ren) a desire to learn;
10. Provide a home setting conducive for their child(ren) to complete assignments and study;
11. Become acquainted with their child(ren)'s school, its staff, curriculum, and activities, and attend parent/guardian-teacher conferences and school functions;
12. Help their child(ren) deal effectively with peer pressure and personal, social, and emotional issues;
13. Inform school officials regarding changes in the home that may affect conduct or performance;

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14. Provide accurate family information to the District, such as the current parent's/guardian's address and phone number and other information in order for the school to make contact for emergency and educational purposes. Emergency information and contact persons should be updated by the parents/guardian as needed and include full names and phone numbers of all adults (over 18 years of age) identified as able to pick up their child(ren) from school;
15. Respect and treat others with dignity, regardless of actual or perceived race, color, traits historically associated with race, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, or gender (including gender identity/expression);
16. Help their child(ren) understand that in a democratic society rules are required to maintain a safe, orderly environment;
17. Convey to their child(ren) a supportive attitude toward education and the District;
18. Maintain a climate of respect when interacting with school personnel; and
19. Adhere to the Code of Conduct.

III. RIGHTS AND RESPONSIBILITIES OF TEACHERS AND TEACHER ASSISTANTS

Teachers and Assistants have a right to a safe, orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference and focus on their charge to educate the children of our community. **Teachers and Assistants have responsibility to**

1. Maintain a climate of respect and treat others with dignity, regardless of actual or perceived race, color, traits historically associated with race, national origin, ethnic group, religion, religious practice, weight, disability, sexual orientation, sex, or gender (including gender identity or expression) with the intent of supporting students' self-esteem and promoting a 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 prompt, fair and lawful manner;
6. Communicate to students and parents/guardians regularly:
 - a. Expectations for students (including course objectives and requirements),
 - b. Grading procedures,
 - c. Assignment deadlines,
 - e. Classroom management plans, routines, and expectations for behavior, and
 - f. Status of being in jeopardy of course failure and what assignments and assessments influences a specific student's ability to pass.
7. Consult a school counselor, nurse, social worker, or administrator when a student requires special attention;

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8. Seek to develop cooperative relationships with parents/guardians for the educational benefit of the student by maintaining open communication with the parent/guardian, to include communicating with home promptly and regularly;
9. Immediately report (orally) to a DASA Coordinator (*See Chapter 6*) and file a written report (no later than two days after) any incident of harassment, bullying, or discrimination witnessed, known, or reported to them;
10. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy (*See PCS Policy 7202 and its Regulations*);
11. Demonstrate interest in teaching and concern for student achievement;
13. Know school policies and rules, and enforce them in a prompt, fair, and lawful manner by reporting or making referrals as necessary; and
14. Adhere to the Code of Conduct.

IV. RIGHTS AND RESPONSIBILITIES OF SCHOOL SUPPORT STAFF INCLUDING AIDES, TRANSPORTATION DEPARTMENT EMPLOYEES, FOOD SERVICE EMPLOYEES, CLEANERS, MAINTENANCE WORKERS, AND CLERICAL EMPLOYEES

District Support Staff have a right to a safe and orderly school environment where students may receive and Support Staff may provide services to support quality education without disruption or interference. All **Support Staff have the responsibility to**

1. Assist students within the scope of his/her position and job title;
2. Be a positive role model;
3. Know school policies and rules, and enforce them in a prompt, fair and lawful manner;
4. Immediately report (orally) to a DASA Coordinator (*See Chapter 6*) and file a written report (no later than two days after) any incident of harassment, bullying, or discrimination witnessed, known, or reported to them; and
5. Adhere to the Code of Conduct.

V. RIGHTS AND RESPONSIBILITIES OF DISTRICT EMPLOYEES IN THE HEALTH, BEHAVIORAL AND SOCIAL SCIENCE PROFESSIONS (NURSE, GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER, AND SCHOOL PSYCHOLOGIST)

District employees with specialized licensure have a right to a safe and orderly school environment where students may receive quality educational services without disruption or interference and they may deliver health and wellness services and programming to the children of our community. All **District employees in the health, behavioral and social science professions have the responsibility 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;
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;

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4. Initiate conferences, as needed, for students and parents/guardians with teachers and administrators;
5. Annually review with secondary 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. Utilize resources, including an administrator or outside agency, for a student who requires special attention;
9. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one school 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. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy. (See PCS Policy 7202 and its Regulations);
11. Assist students in coping with peer pressure and emerging personal, social, and emotional problems;
12. Attend and/or provide resources for student-teacher-principal conferences when necessary;
13. Know school policies and rules, and enforce them in a prompt, fair and lawful manner; and
14. Adhere to the Code of Conduct.

VI. RIGHTS AND RESPONSIBILITIES OF SCHOOL SAFETY OFFICERS

District-contracted Safety Officers have a right to a safe and orderly school environment where students may receive quality educational services without disruption or interference and Safety Officers can provide safety and learning resources to grade level curriculum and learning topics. All **District-contracted Safety Officers have the responsibility to**

1. Address safety risks and assist in district-wide crisis preparedness;
2. Be a positive role model;
3. Review lockdown and evacuation drills and suggest best practices;
4. Assist school employees with understanding problems students face;
5. Convey the message, by presence and resources, that school is not a place for criminal activity;
6. Teach students about healthy choices, how to recognize and set boundaries, and seek help;
7. Educate secondary students about the impact of alcohol and drug use;
8. Train students in conflict resolution;
9. Assist in developing school safety policies;
10. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or is reported to them, not more than one school 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. Foster positive attitudes toward law enforcement; and
12. Adhere to the Code of Conduct.

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Building administrators have a right to a safe and orderly school environment where students may receive quality educational services without disruption or interference and they may focus on their responsibility to set a positive learning environment and disciplinary climate. **School administrators set a healthy and positive learning environment, including establishing the disciplinary climate, and have responsibility to:**

1. Seek to develop a sound and helpful atmosphere of respect and maintain open lines of communication between school and home;
2. Treat others with dignity, regardless of actual or perceived race, color, traits historically associated with race, national origin, ethnic group, religion, religious practice, weight, disability, sexual orientation, sex or gender (including gender identity or expression) to strengthen student confidence and the ability to learn;
3. Ensure that students, parents/guardians, and staff have the opportunity to communicate with the principal and, as necessary, redress grievances;
4. Be a positive role model for students and staff;
5. Evaluate instructional programs annually in order to develop a meaningful education program;
6. Enforce the Code of Conduct and ensure that conduct that violates the Code is documented, addressed promptly, fairly and lawfully;
7. Utilize appropriate auxiliary staff and outside agencies to help parents/guardians and students identify problems and seek solutions.
8. Inform parents/guardians regarding support services available in the school and community;
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. Provide the superintendent with a notification (such as a copy of the letter sent to the parents/guardians) when a student is suspended;
13. Report orally to a DASA Coordinator 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;
14. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy (*See PCS Policy 7202 and its Regulations*);
15. Promote a safe, orderly, and engaging school environment, supporting active teaching and learning;
16. Know school policies and rules; enforce them in a prompt, fair, and lawful manner; and
17. Adhere to the Code of Conduct

VII. RIGHTS AND RESPONSIBILITIES OF THE SUPERINTENDENT

The Superintendent has a right to a safe and orderly school environment where students may receive and quality educational services without disruption or interference and he or she may interpret and implement District policies and support the vision of the Board of Education. As the executive administrator of the District, the **Superintendent is responsible to**

1. Maintain a climate of respect and treat others with dignity, regardless of actual or perceived race, color, traits historically associated with race, national origin, ethnic group, religion,

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- religious practice, weight, disability, sexual orientation, sex, or gender (including gender identity or expression) with the intent of strengthening students' confidence and ability to learn;
2. Be a positive role model for students and staff;
 3. Review Board of Education policies with building administrators and provide resources and guidance for understanding school operations, management, along with state and federal laws relating to the same;
 4. Inform the Board about new trends in student discipline and strengthen or create instructional programs that minimize misconduct and are sensitive to student and teacher needs;
 5. Recruit and recommend employees for appointment or dismissal in accordance with law.
 6. Work with District administrators to enforce the Code of Conduct and ensure disciplinary incidents are resolved promptly, fairly and lawfully;
 7. Maintain and review disciplinary data;
 8. Convene superintendent's hearings pursuant to Education Law Section 3214 when a hearing is required;
 9. Review reports prepared by the Compliance Coordinator or DASA Coordinator concerning incidents of alleged of harassment, bullying and/or discrimination, and ensure appropriate reports are made to law enforcement and appropriate interventions have been taken in school;
 10. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy (*See PCS Policy 7202 and its Regulations*);
 11. Recommend an annual budget to the School Board;
 12. Promote a safe, orderly, engaging school environment, supporting active teaching and learning;
 13. Know school policies and develop rules and regulations to implement policy in a prompt, fair, and lawful manner;
 14. Listen and respond to the views of the community;
 15. Represent the District at public and private functions such as business meetings, regional programs, and Department of Education events;
 16. Ensure work is accomplished to meet the objectives of the total school program; and
 17. Adhere to the Code of Conduct.

VIII. RIGHTS AND RESPONSIBILITIES OF THE BOARD OF EDUCATION

The Board of Education has a right and primary responsibility to establish policy in order to create a safe and orderly school environment where students may receive and District personnel may provide quality educational services without disruption or interference. **The Board of Education as the as a governing body of the school district has the responsibility to:**

1. Establish District policy;
2. Provide opportunities for students, teachers, administrators, parent/guardians, school safety personnel and other school personnel to participate in reviewing the Code so that the policy clearly defines expectations for the conduct of students, district employees and visitors on school property and at school functions;
3. Provide staffing levels, facilities, buildings and grounds that sufficiently allow for and are conducive to a positive learning environment;
4. Listen and respond to the views of the community;
5. Employ highly qualified, professional, understanding, and student-centered personnel;

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6. Provide time for regular in-service training for all employees;
7. Lead by example by conducting Board meetings with professionalism, respect and courtesy;
8. Know school policies and rules and support enforcement in a prompt, fair and lawful manner; and
9. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy *(See PCS Policy 7202 and its Regulations)*;
10. Annually review the Code of Conduct; and
11. Adhere to the Code of Conduct.

CODE OF CONDUCT***CHAPTER 3: STUDENT CONDUCT*****I. EXPECTATIONS**

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 District students, personnel, and members of the school community, District facilities and equipment. The Board recognizes the need to make its expectations for student conduct, on school property and at school functions, specific and clear. This Chapter clarifies and emphasizes safety and respect for others' rights and property. Students who will not accept responsibility for their own behavior and violate school rules will be required to accept the consequences.

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 misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and emphasize student's' ability to grow in self-discipline. 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 using technology and technology resources, 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 pursuant to Education Law §12[1], Education Law §11[8].

With regard to weapons, in particular, the Board and this Code intends to convey to students that possession of weapons or what may be perceived to be a weapon is inherently dangerous to everyone in the school and must not be brought onto school property and, if discovered, must be reported and relinquished to a school employee immediately. *(See Chapter 6, Section II for the range of disciplinary penalties; See Appendix C for the definition of "weapon".)*

II. PROHIBITED CONDUCT

The prohibited behaviors in this Chapter are not exhaustive; they are intended to provide examples of behavior that will result in disciplinary action up to, and including, suspension. Students may be disciplined for conduct not listed.

A. Disorderly Conduct

Examples are

1. Running in hallways;
2. Horseplay or making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar, or abusive, including swearing;
4. Misusing computer/electronic equipment, electronic communication, including unauthorized use of computers, software, internet/intranet or violating the District's technology use policies;

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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 building, other than the rooms where they regularly attend classes, without permission from the building administrator;
7. Obstructing vehicles, impeding pedestrians, or loitering on school premises.

B. Insubordinate Conduct

Examples are

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students;
2. Not reporting for school upon arrival to campus, missing, or leaving school without permission, failing to follow sign-in/sign out procedures, or skipping detention;
3. Interfering in the performance of duties of school personnel.

C. Disruptive Conduct

Examples are

1. Being unprepared for class;
2. Failing to follow the Dress Code (*See Chapter 4*);
3. Displaying affection inappropriately or touching self or others in a lewd manner,
4. Persistently disobeying teachers, school administrators, or other school personnel.

D. Violent Conduct

Examples are

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. (Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at school functions);
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. Instigating or initiating a fight against another person;
7. Fighting and/or using any inappropriate form of physical force against another person;
8. Intentionally damaging or destroying personal property, of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson;
9. Intentionally or with reckless indifference or disregard damaging or destroying District property;

E. Unsafe, Potentially Dangerous, or Dangerous Conduct

Examples are

1. General Abuse
 - a. Lying to school personnel;
 - b. Stealing property belonging to students, school personnel or others lawfully on school property or at school events;
 - c. Selling, using, or possessing obscene material;
 - d. Gambling (*See Chapter 11, also*);

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- e. Intentionally exposing private body parts in a lewd or indecent manner;
- f. Initiating a report warning of fire and/or bomb threat, or other catastrophe, without cause;
- g. Misusing the “911” emergency notification system;
- h. Discharging a fire extinguisher in the absence of a fire;
- i. Engaging in inappropriate physical contact that is sexual in nature; and
- j. Instigating or encouraging others to violate the Code of Conduct.

2. Emotional Abuse

Examples are

- 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 statement or persistent, pervasive pattern of actions or statements, verbal or physical, directed at an identifiable individual or group which are intended to be or which a reasonable person would deem as ridiculing or demeaning as defined in the Code of Conduct, (*Appendix C*);
- d. Intimidation: which includes engaging in actions or statements that put an individual in fear of bodily harm;
- e. Bullying: pursuant to Education Law §12[1] and §11[8], which is fully defined in the Code of Conduct, (*Appendix C*) and includes behavior that
 - (1) Threatens or intimidates, others;
 - (2) Treats others cruelly, terrorizes, and/or coerces an individual or group of individuals;
 - (3) Includes physical acts such as hitting or kicking;
 - (4) Includes verbal acts such as using words to berate, hurt, or humiliate;
 - (5) Engages social/emotional behaviors such as maliciously spreading rumors and/or actively excluding a person from the peer group to cause harm;
 - (6) Uses cyber applications (cyberbullying) in a way that items 1-5 above occur.
- 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 in order for the student to join or affiliate 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 school events. A student organization does not have to be an official school organization to come within the terms of this definition. Examples of 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

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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 District policies or regulations.

3. Substance Abuse

Examples are

- a. Possessing, distributing or using tobacco, nicotine products or delivery devices (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes, vapor pens, e-liquid, vape mods, related items, etc.) or exhalents of devices;
- 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).
- d. Inappropriately using or sharing prescription medications, over-the-counter drugs, inhalants, herbal/"natural" or intoxicants of any kind, when possession is not authorized or 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 a 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

Examples are

1. Excessive noise or noise that interferes with the hearing ability of the bus driver;
2. Standing while the bus is in motion;
3. Failing to use bus safety rules when entering or leaving the bus or when crossing roads;
4. Not respecting the age and maturity of all students assigned to the bus route such as talking about topics or events that would be hurtful or otherwise upsetting to a person of similar maturity; and
5. Instigating or encouraging others to violate the Code of Conduct.

G. Academic Misconduct

Examples are

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

CODE OF CONDUCT***CHAPTER 4: STUDENT DRESS CODE*****I. STUDENT DRESS AND APPEARANCE****A. Obligations for School and School Functions**

The Dress Code is intended to foster a safe and sanitary environment, conducive to teaching and student learning, while guiding and preparing students for their role in the workplace and society. As such, all students are expected to give proper attention to personal cleanliness and dress appropriately for school and school functions. Students and parents/guardians have the primary responsibility for acceptable student dress and appearance. School district personnel should reinforce acceptable dress and lead by example. School employees shall help students develop an understanding of appropriate dress and appearance for school and school activities.

B. Student's Dress and Appearance

The Dress Code applies at any time that students are on District property and attending a school function, wherever located. A student's dress, grooming, hygiene, and appearance 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 navel 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 and must not create a safety hazard to the activity at hand;
5. Hats and headgear (including, but not limited to, wearing a hood) and sunglasses shall not be worn during the instructional day except for medical or religious purposes. Exceptions may be made for a school-approved spirit day or school-approved activity;
6. Clothing shall not include items that are vulgar, obscene, or disrespectful to others' race, color, nationality, religion, gender (including gender identity, orientation, or expression), or disability;
7. Clothing shall not promote the abuse of guns or weapons, use of alcohol, tobacco, nicotine, tobacco or nicotine products or delivery devices, 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.

C. Dress Code Violations

Students who violate Dress Code shall be required to cover or otherwise correct the offending item. A student who refuses to comply shall be subject to disciplinary action up to and including suspension for the remainder of the school day or (if the violation is addressed near the end of the school day) shall be subject to disciplinary action up to and including suspension the following school day. A student who repeatedly fails to comply with the Dress Code shall be subject to further discipline, up to and including out-of-school suspension.

CODE OF CONDUCT***CHAPTER 5: CELL PHONE & ELECTRONIC DEVICE USE*****I. CELL PHONE USE 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. INTERVENTIONS WHEN DEVICES ARE DISRUPTIVE

If a student is found to be using a cell phone on school property during scheduled school hours in a manner that is deemed disruptive, the student will be directed to relinquish the phone to the supervising employee or building principal. 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 class period or may turn the device over to the building administrator. When a staff member turns a device over to an administrator, the device must be labeled with the staff member's name and the name of the student who was disruptive with the phone and the staff member shall initiate a discipline referral. 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 dean of students, assistant principal, or 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 assistant principal or principal to review the expected use of wireless communication or an exchange of the device is arranged between administrator and parents/guardians. In addition, the student will serve one day of afterschool detention or multiple days of lunch detention as determined by the assistant principal or principal.

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- 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 procedures for use. 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 to review procedures for ongoing use. In addition, the student may serve multiple days of in-school suspension or receive out-of-school suspension commensurate with the circumstances.

Note: Consequences typically apply to the total number of school-year offenses, not to the number of incidents with a specific device or type of device.

III. DISTRICT TECHNOLOGY, WEBSITE AND EMAIL USE

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, and 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 hardware attachment (including wireless apparatus) to any District equipment without the express written consent of the District's Technology Leadership Team; 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.

District equipment, the Internet, and District computer network is supplied in order to facilitate learning, teaching and daily operations through interpersonal communications and access to information, research and collaboration. (*See PCS Policy 5302 Acceptable Use*)

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. (*See PCS Policy 7700 Mobile Electronic Device Use Agreement; PCS Policy 5302 Acceptable Use*)

CODE OF CONDUCT***CHAPTER 6: STUDENT DISCIPLINE*****I. REPORTING AND RESPONDING TO VIOLATIONS****A. REPORTING POSSIBLE VIOLATIONS**

Anyone who observes a violation of the Code of Conduct is expected to report the violation to a teacher, counselor, or administrator. District staff not authorized to impose disciplinary sanctions are expected to report violations of the Code of Conduct promptly to the department 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.

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

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, administrator, or the superintendent.

Anyone who **observes** a weapon, alcohol, illegal substance, any tobacco or nicotine or exhalent product or delivery device (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes, vapor pens, e-liquid, vape mods, related items, etc.) shall immediately notify a teacher, counselor, administrator, or the superintendent.

Any found weapon, alcohol, illegal substance, tobacco or nicotine products or delivery devices (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes, vapor pens, e-liquid, vapes, related items, etc.) or medication not authorized for use by the required school forms **shall be confiscated immediately**, if possible, and the parent/guardian of all students involved will be notified by the building administrator or designee; appropriate disciplinary sanction shall be imposed.

All Code of Conduct violations that may constitute a crime and are found to substantially affect the order or security of the school will be referred to local law enforcement agency by the building principal or principal's designee as soon as practical, but no later than close of business on the day the administrator or designee learns of the violation or within 24 hours. 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, the conduct, and Code of Conduct violation that may have constituted a crime.

B. Responding to Possible Harassment, Bullying, 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 PCS Policy 0015 Equal Opportunity Harassment Bullying and Nondiscrimination.

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2. The District has designated a Dignity Act Coordinator for each school. 2020-2021 DASA Coordinators are:

Jessica Hartman, Director of Special Education
(315) 826-0210

Gina Smith, Assistant Principal
(315) 826-7900

Gregory Haver, Athletic Director
(315) 826-0235

Gregory Cuthbertson, Principal
(315) 826-7900

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

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

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, prompt, fair, lawful, and implemented to correct inappropriate student behavior and teach appropriate 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 and severity of the offense and the circumstances that led to the offense;
3. The impact the conduct has on others;
4. The student's prior disciplinary record (including past school years);
5. The effectiveness of other forms of discipline;
6. Information from parents/guardians, teachers, and others, as appropriate;
7. Extenuating circumstances;
8. The student's disability. (*See Chapter 7*)

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As a rule, discipline will be progressive. This means a student's first violation will usually merit a lighter penalty than subsequent violations. The District, however, may impose any level of discipline (even for a first violation) that is proportionate to the misconduct at issue.

Chapter 7 specifically addresses the topics of teacher removals and suspensions for students with disabilities. 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 Chapter 7 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 resulting from his/her disability.

Responses to acts of harassment, bullying and/or discrimination against students by students shall use measured, balanced, age-appropriate interventions and procedures, with the goals of prevention and education; as well as, intervention and discipline as noted above.

A. Due Process

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 that includes more than a warning. A parent/guardian of a student who is to be given penalties other than a warning is entitled to written notification. The written notification may follow a phone call or personal communication and provide for additional rights before the penalty is imposed and are explained in Section C of this Chapter.

B. 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. Verbal warning – all District personnel (*See Definitions in Appendix C*);
2. Written warning – all District personnel (*See Definitions in Appendix C*);
3. Written notification to parent/guardian – transportation supervisor or designee, coach (with notice to athletic director), guidance counselor, teacher, dean of students, assistant principal, administrator for special education, principal, superintendent;
4. Detention - assistant principal, administrator for special education, principal, superintendent;

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5. Suspension from transportation – assistant principal, administrator for special education, principal, superintendent;
6. Suspension from sports/athletic participation – coach, athletic director, assistant principal, principal, superintendent;
7. Suspension/Restriction from social or extracurricular activities – event director (such as club adviser), assistant principal, administrator for special education, principal, superintendent;
8. Suspension of other privileges – assistant principal, administrator for special education, principal, superintendent;
9. In-school suspension – assistant principal, principal, superintendent;
10. Removal from classroom by teacher – teacher, assistant principal, administrator for special education, principal;
11. Short-term (five days or less) suspension from school – assistant principal, principal, superintendent, Board of Education;
12. Long-term (beyond five days) suspension from school – 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 – assistant principal, principal, superintendent; and
15. Compensatory work assignment – assistant principal, principal, superintendent;
16. Restrict Participation (from a school activity or function) – school-appointed adviser or coach, paid chaperone, athletic director, assistant principal, principal, superintendent.

C. Types of Disciplinary Penalties

1. Detention
Teachers, the dean of students (as approved by the board), assistant principal, administrator of special education, and principal may use detention as a penalty for student misconduct in situations where removal from the classroom or other penalties would not be appropriate. Detention beyond the school day will be imposed as a penalty only after the student's parent/guardian has been notified to confirm the student's obligations and transportation home. Parents/guardians shall be notified of all detentions and be made aware of who assigned the detention. Pursuant to Education Law 3635, students who typically receive transportation from school are required to have access to transportation home following the detention. In instances where the detention would create a hardship for the safety and supervision of younger siblings, the staff member assigning the detention will work to accommodate individual circumstances.
2. Suspension from transportation
A student, receiving District transportation, whose conduct on the bus is not consistent with the Code of Conduct will be referred by the bus driver to the transportation supervisor, assistant principal, director of special education, or principal's attention. Students who become a serious disciplinary problem may have riding privileges suspended by the principal or the superintendent. 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

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§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 sports participation, extra-curricular activities, and other privileges
A student subject to a suspension from sports/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 administrator 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 assistant principal, 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 administrator imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher removal of a substantially disruptive student
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 positive classroom management techniques. These techniques may include practices that involve the teacher directing a student to leave the classroom briefly 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 assistant principal's/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 be disruptive. For purposes of the 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 reasonable instructions or repeatedly violates the teacher's classroom behavior rules.

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The Safe Schools Against Violence in Education (SAVE) legislation of 2000 (Education Law § 2801) and NYS Education Law §3214 (3-a) grants a classroom teacher the authority to remove a disruptive student from an academic class for up to three (3) days. The removal from class applies to the class of the removing teacher only. A student removal for a student in grade PK through completion of fifth grade is specific to the academic class when disruption occurred.

The teacher must complete a District-established disciplinary referral form and meet with the principal or assistant principal 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 assistant principal is not available by the end of the same school day, the teacher will meet with the principal or assistant principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, provided that if such 24-hour 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 in the scheduled meeting.

The written notice must be provided by personal delivery, express mail delivery, encrypted email, or other means 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 contacting parents/guardians.

If the principal or assistant 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 student removal, the teacher must provide the student and parent/guardian with an explanation for the removal and an opportunity to explain relevant events before the student is removed. Only after the informal meeting may a teacher complete the 3-day removal process.

If the student denies the charges at the informal meeting, the student and the student's parent/guardian must receive an explanation from the assistant principal or principal 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 administrator who scheduled the meeting.

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The assistant principal or principal may overturn the removal of the student from class if any one of the following is discovered:

- a. The charges against the student are not supported by substantial evidence;
- b. The student's removal is otherwise in violation of law, in violation of the District's Code of Conduct or in violation of the student's educational plan (*See Chapter 7*);
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The assistant principal, administrator for special education, or principal may overturn a removal of a student at any point between receiving the teacher's referral form and 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 assistant principal or principal or his or her designee makes a final determination, or the period of removal expires, whichever is less.

A disruptive student removed from the classroom by a classroom teacher shall be offered continued educational resources and activities until permitted to return to the classroom. Each teacher must complete a referral form using the student management system (on a District provided form) for all cases of removal of students from his or her classroom, and the principal will 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 class until the assistant principal or principal has verified with the chair of the Committee on Special Education that 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.

- The student has a Behavior Intervention Plan ("BIP") 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);
- The student has a BIP or IEP, 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 Duration

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

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

Any staff member may recommend to the assistant principal, principal or superintendent that a student be suspended. All staff members must immediately report and refer a violent student to the assistant principal, 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 assistant principal, principal, or superintendent, 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 student who receives a suspension from school of two days or more and who is of compulsory attendance age must attend the tutorial center or meet the requirements of alternative instruction described in *Chapter 6*, final paragraph.

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

When the assistant principal, principal or superintendent (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 in person. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must 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, secure email, overnight mail delivery, or some other means that is reasonably implemented 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 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. If the parents/guardians want to invoke their right to ask questions of complaining witnesses, the parents/guardians should inform the administrator to communicate this need to the complaining witnesses and establish procedures.

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, property, or an ongoing threat of disruption to the academic

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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 begins as is reasonably practicable.

After an informal conference occurs, the parents/guardians will promptly be advised in writing of the charges against the student. If the parents/guardians are not satisfied with the decision of the assistant principal or principal and wish to pursue the matter, the assistant principal or principal will advise the parent/guardian 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 of Education may be appealed to the NYS Commissioner of Education within thirty (30) days of the Board's decision.

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

When the superintendent or Board of Education determines that a suspension for more than five (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 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 of Education that will make its decision based solely upon the record before it and in accordance with NYS Education Law §3214. All appeals to the Board of Education 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

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Board may be appealed to the NYS Commissioner of Education 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. Prescribed suspension for general education students (*See Chapter 7, also*)

a. *For repeatedly disruptive behavior*

A student 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 NYS Education Law §3214 (3-a) and this Code of Conduct on four (4) or more occasions during a semester or five (5) or more over the course of a school year.

When the proposed penalty is determined to warrant a five-day suspension, the student and the student's parent/guardian will be given notice and opportunity for informal conference as required by law. 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 (*See section d under this heading*).

b. *For having tobacco or nicotine products or delivery devices (to include cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes, vapor pens, vapes, e-liquid, related items, etc.) or related components or exhalents of devices alcohol, alcoholic beverages, or illegal substances*

Any student found to have brought tobacco, nicotine, tobacco or nicotine products, devices or related components of such devices, alcoholic beverages or illegal substances to school, shall be subject to suspension from school for a period of at least five (5) days. Students to have been found participating in use or promoting use of these items will be subject to suspension for a minimum of three (3) days. If the proposed penalty exceeds the 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 a long-term suspension.

c. *For committing violent acts (other than bringing a weapon to school)*

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Any student who is found to have committed a violent act as defined by NYS Education Law §3214(2-a)(a), 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 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.

d. *For bringing a weapon to school*

Any student who is found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one (1) calendar year. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(2) which defines a "dangerous weapon" as 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 that such term does not include a pocket knife with a blade of less than 2½ inches in length.

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:

1. The student's age;
2. The nature and severity of the offense and circumstances that led to the offense;
3. The impact the conduct has on others;
4. The student's prior disciplinary record (including past years);
5. The effectiveness of other discipline;
6. Information from parents/guardians, teachers, and others, as appropriate; and
7. Extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law explained in another section of the Code of Conduct. (*See Chapter 7*)

D. Referrals for Support and Assistance

1. Counseling

The Guidance Office shall handle all referrals to counseling. Resources include, but are not limited to working with the District social worker, the District school psychologist, any District-contracted and/or regional agencies.

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2. PINS (Person in Need of Supervision) Diversion Program
The District may file a PINS (Person in Need of Supervision) Diversion petition with the County of residence for a student under the age of 18 who is experiencing difficulty in school or in the community. Specifically, the PINS Diversion Program works with students who
 - a. Do not attend school according to Article 65 of the NYS Education Law;
 - b. Demonstrate they are incorrigible, ungovernable, or habitually beyond the lawful control of a parent or person legally responsible; or
 - c. Violates the provisions of Penal Law § 221.05 (Unlawful Possession of Marijuana). A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. PINS (Person in Need of Supervision) Petition with Family Court
A petition may not be filed until PINS diversion services have been attempted and diversion services documented and exhausted. The District is required to confer with the Diversion Program to review efforts and documentation before a PINS Petition is filed.

4. Juvenile Delinquents and Juvenile Offenders
 - a. The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

Any student less than 18 years old who is found to have brought a weapon to school, except any student 14 or 15 years who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42).

 - b. The Superintendent is required to refer students to the appropriate law enforcement authorities who are 16 years old or older or any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20(42).

F. Alternative Instruction (for Suspension from School)

The District will take immediate steps to provide alternative instruction to a student of compulsory age who is suspended from school pursuant to Education Law §3214 and will give due regard for the nature and circumstances of the particular case. Alternative instruction at the BOCES tutorial center may be required for a student whose suspension is two days or more.

CODE OF CONDUCT***CHAPTER 7: SUSPENSION, REMOVAL OF STUDENTS WITH DISABILITIES*****I. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have 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 SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**A. Relevant Definitions for Suspension or Removal of Students with Disabilities**

1. “Suspension” means a suspension pursuant to Education Law §3214.
2. “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.
3. “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. Steps for Suspension or Removal of a Student with a Disability from Current Educational Placement:

1. The Board, the District (BOCES) superintendent of schools, or a 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

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for the same behavior, if the superintendent determines the student has engaged in conduct 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 as defined in Section III below.
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.

(a) "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 pocketknife with a blade of less than 2 1/2 inches in length."

(b) "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.

(c) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or legally possessed or used under any other authority under the Controlled Substances Act or 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.

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- 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 SUSPENSION OR REMOVAL OF A STUDENT WITH DISABILITY

- 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 the current educational placement for more than ten (10) school days in a school year is subject 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 self or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

- B. Requirement to Determine Eligibility 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

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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, 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 superintendent, principal or other school official imposing a suspension or removal 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 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 NYS 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-

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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 NYS Commissioner's regulations incorporated into this Code of Conduct.

V. EXPEDITED DUE PROCESS HEARING

- A. An expedited due process hearing shall be conducted in the manner specified by the NYS Commissioner's regulations incorporated into this Code of Conduct, if:
 1. The superintendent 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 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.

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VI. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

- A. In accordance with the provisions of IDEA and its implementing regulations:
1. The principal or superintendent may report an alleged 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 or when a legal subpoena for records is received. Such transmittal shall be made consistent with and with due consideration for FERPA, the Family Education Rights Privacy Act. (***Refer to PCS Policy 7500.1 Education Records***)

CODE OF CONDUCT***CHAPTER 8: REASONABLE PHYSICAL FORCE*****I. DEFINITION OF REASONABLE PHYSICAL FORCE AND CORPORAL PUNISHMENT**

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.

Reasonable physical force as defined by the New York State Education Department is an act used for any of the following purposes:

- A. to protect oneself from physical injury;
- B. to protect another pupil or teacher or any other person from physical injury;
- C. to protect the property of the school or of others; or
- D. to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes described in items A. through D.

Corporal punishment as defined by the New York State Education Department is any act of physical force upon a student for the purpose of punishing that student.

II. PROHIBITION OF CORPORAL PUNISHMENT

Corporal punishment by any District employee is forbidden. Complaints about the use of corporal punishment by District, BOCES or Charter School Personnel shall be immediately reported. **(Refer to 8 CRR-NY 19.5)**

III. REPORTING CORPORAL PUNISHMENT

The superintendent must implement a reporting procedure that will enable the District to summarize complaints relative to the alleged administration of corporal punishment. Poland CSD Policy 7201 Child Abuse in an Educational Setting and Regulations related to this policy 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 the forms set forth by the State Education Department (semi-annually) to meet Commissioner Regulation 100.2 (1)(3)(ii).

CODE OF CONDUCT***CHAPTER 9: INTERROGATIONS AND SEARCHES*****I. INTERROGATIONS**

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. To achieve this climate, any school administrator authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of the District Code of Conduct. Students are not required to be advised of their legal rights before being questioned by school administrators nor are school administrators required to contact a student's parent/guardian before questioning begins. However, administrators are required to inform all students why they are being questioned.

II. SEARCHES

An authorized school administrator may conduct a search of a student's belongings that is minimally intrusive such as touching the outside of a book bag, so long as the administrator has reasonable suspicion for the very limited search.

In addition, the Board authorizes District administrators to conduct searches of students and their belongings if the authorized administrator has reasonable suspicion to believe the search will result in evidence that the student violated the District Code of Conduct. Searches may be conducted, upon reasonable suspicion, on school property or during school functions. This includes 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 coach at such activity shall be deemed to have the same authority to act that applies to a school administrator on school property.

An authorized school administrator 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 make an admission against their own interest, or provide the same information that is received independently from other sources, or appear to be credible and the information communicated relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information deemed inaccurate.

Before searching a student or the student's belongings, the authorized school administrator should attempt to directly ask the student if he or she possesses physical evidence that violates 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 item sought. As feasible, searches will be conducted in the privacy of administrative offices, out of view of other students and, if practicable, students will be present when their possessions are being searched, and as practical, parents/guardians will be asked to be present.

III. TYPES OR LOCATIONS OF SEARCHES**A. Student Lockers, Desks, and Other School Storage Places**

The rules in the Code of Conduct regarding searches of students and their belongings do not apply to

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Student lockers, desks, and other school-provided storage places. Students have no reasonable expectation of privacy with respect to these places and school administrators 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 administrators, 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 administrator considers the situation necessary (i.e.: urgent safety of student(s) or District personnel *requires* the search), law enforcement will be involved and the student's parent/guardian, or designee identified in the next sentence, will be asked to assist with such a search. 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.

IV. DOCUMENTATION OF SEARCHES

The authorized school administrator conducting the search shall be responsible for promptly recording the information about each search and reviewing record with the principal or the principal's designee.

The 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 and will 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 principal's designee shall personally deliver dangerous or illegal items to police authorities.

Written documentation of searches will include

- A. The 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. The name of the person conducting search, 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 parent invited to be present).

CODE OF CONDUCTIV. POLICE INVOLVEMENT IN INTERROGATIONS AND SEARCHES OF STUDENTS

District administrators 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 are:

- A. In possession of a search or arrest warrant; or
- B. Have probable cause to believe a crime was committed on school property or at a school event; or
- C. Were contacted by a school administrator for the purpose of interrogating or searching a student.

When police are permitted to interview students at school, a private setting will be used and parents/guardians will be notified of the interview as soon as possible. All students questioned by police officials on school property/at school functions shall be advised of their right to have a parent/guardian present and will not be questioned without advising them of their Miranda rights, noted below

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?”

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), school administrators will direct police to contact the student’s parents/guardians except as provided in policy. **(Refer to PCS Policy #7200, Reporting Child Abuse and Maltreatment.)**

V. CHILD PROTECTIVE SERVICES INVESTIGATIONS

Consistent with the District’s commitment to keep students safe from harm and with the obligation of school employees to report 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. **(Refer to PCS Policy #7200, Reporting Child Abuse and Maltreatment.)**

All requests by child protective services to interview a student on school property shall be made directly to the 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 administrator 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 District administrator 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 the student was not removed from school before a court order was 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 parent/guardian consent.

CODE OF CONDUCT***CHAPTER 10: VISITORS TO SCHOOL*****I. VISITOR REGISTRATION**

The District provides parents/guardians and community members annual activities, programs, and assemblies that allow visits to the campus, school and individual classrooms. Since schools are a place of work and learning, certain limits must be set for such visits. For these reasons, the following rules apply to visitors to the schools:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor. An employee of the school District who is not performing a function of employment on the day of the “visit” is also considered a visitor;
- B. **All visitors to the school must report to the Main Office upon arrival at the school. This requirement is in place thirty (30) minutes before and after the scheduled student school day (typically: 7:20 am to 3:30 pm) The visitor will be required to register, may be required to present a valid drivers’ license or official ID, and** indicate the purpose of the visit. The visitor will wait at the office until the registration attendant confirms the visit with employees at the destination site. Any building administrator or the administrator’s designee has the right to deny visitor entry for the safety of students/staff.
- C. Visitors who do not have a scheduled meeting may be asked to set a meeting time. Requests to observe a specific classroom or activity not open to general participation shall require building principal approval.
- D. All visitors must wear a name badge when they are registered as a visitor.
- E. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to sign in at the main office.
- F. Upon the close of the visit, the visitor must return to the registration attendant who will record a departure time unless a large-scale event is using a different protocol (i.e. Veteran’s Day program);
- G. Unauthorized persons on school property or visitors who do not abide by the registration process will be reported to the principal or administrative designee and may be asked to leave. Police may be called, if the situation warrants;
- H. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct (***See Chapter 11***) ***and any additional rules or regulations imposed from time to time in connection with emergencies declared by District, City, County or State officials for any reason; or relating to alerts issued by the U.S. Department of Homeland Security.***

School employees expecting a visitor are asked to notify Visitor Registration staff in advance of the visit.

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Instructional staff are advised **not** to take class time to discuss individual matters with visitors. All students and any staff (except those responsible for visitor registration) shall **not** open doors and allow school entry for a person standing at a doorway. All employees are responsible for following the registration process.

The principal and his/her designee are responsible for all persons in the building and building grounds. The superintendent is responsible for all persons in District buildings and District grounds.

II. ANNUAL NOTIFICATION TO SCHOOL EMPLOYEES

The District shall annually provide all staff with written expectations for visitor registration as part of the Code of Conduct within the first three weeks of school. Employees hired after the school year opens will receive the written expectations when the employee completes initial payroll forms at the Business Office.

III. REGISTERED SEX OFFENDERS ON SCHOOL PROPERTY

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 on school property or at school functions without prior approval of the Superintendent. The superintendent may impose limitations upon a Level 2 or 3 Registered Sex Offender's ability to be on school property as deemed in the best interest of the District and its students.

CODE OF CONDUCT***CHAPTER 11: PUBLIC CONDUCT ON SCHOOL PROPERTY*****I. GENERAL COMMITMENTS AND EXPECTATIONS**

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. Use insulting, abusive, or profane language that disrupts events or activities for parents and children or use such language when speaking to a teacher, administrator, or any other person employed by the district to complete a service or function;
- B. Use negative comments or behavior when attending a school athletic event. All spectators have the right to enjoy the competition between student athletes and cheer for teams in a positive manner. Negative comments and behavior will be addressed by the appropriate site personnel. The New York State Public High School Athletic Association encourages spectators to be loud, proud, and positive toward all players, coaches, officials and spectators.
- C. Intentionally injure any person or threaten to do so;
- D. Commit acts which threaten the safety and well-being of persons on or at a school or educational facility/property, or at school functions;
- E. Intentionally damage or destroy school District property or the personal property of a District employee or any person lawfully on school property, including graffiti or arson;
- F. Use or remove District property, or property under its jurisdiction, without authorization;

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- G. Obstruct or disrupt teaching, research, administration, disciplinary procedures, the orderly conduct of classes, school programs or other school District activities;
- H. 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;
- I. 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;
- J. 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;
- K. 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;
- L. Obstruct the free movement of any person in any place to which this Code of Conduct applies;
- M. Be insubordinate or noncompliant with reasonable requests or directions of an administrator, teacher, school staff member, or hired official;
- N. Refuse to identify himself/herself to school personnel;
- O. 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;
- P. Possess, consume, use, sell, distribute, or exchange alcoholic beverages, tobacco, nicotine, tobacco or nicotine products, tobacco or nicotine delivery devices and related components, 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;
- Q. Possess on school property or at a school function 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. Law enforcement officers or safety officers in the performance of their duties or law enforcement officers specifically authorized by the District are precluded from this prohibition;
- R. Loiter on or about school property;
- S. Gamble on school property or at school functions unless the organizer has presented an approved gambling license to the District and arrangements to hold the game of chance comply with law;
- T. Refuse to comply with a reasonable order of school District employees performing their duties;

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- U. Willfully incite others to commit any of the acts prohibited by this Code of Conduct;
- V. Violate a federal or state statute, local ordinance, or District policy while on school property or at a school function.

III. PENALTIES

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

- A. Visitors (not District students or staff)
Visitors 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
Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- C. Tenured Faculty
Tenured employees shall be subject to disciplinary action as the facts may warrant in accordance with legal rights and Education Law §3020-a.
- D. Civil Service Employees
District Civil Service employees 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
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

Conduct on school grounds/school functions, methods for promoting a safe and supportive school climate, and changes to within this policy for conduct on school property will be communicated as appropriate and will discourage discrimination and harassment against students by other students, school employees, or visitors to the District. 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 a person engaged in prohibited conduct, and also deems the conduct does not pose any immediate threat of injury to persons or property, the principal, or designee, shall notify the offending person that the conduct is prohibited and respectfully direct the individual to stop. (The principal, or designee, shall also warn the individual of the consequences for failing to stop.)

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If the person refuses to halt the prohibited conduct, or if the person's conduct poses immediate threat of harm to persons or property, the offender will be removed immediately from school property or school function by all District employees allowed by this Code to restrict participation school grounds/school functions. If necessary, local law enforcement authorities will be called to assist.

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.

CODE OF CONDUCT***CHAPTER 12: DISSEMINATION, SUMMARY AND REVIEW OF THE CODE*****I. DISSEMINATION, SUMMARY, AND REVIEW****A. Dissemination**

The Board of Education shall ensure the school community is aware 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 or otherwise communicating where the plain language summary may be read before the beginning of each school year and making the summary or the complete Code of Conduct available at any time 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 Pre-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.

The District uses the research-based Olweus Program, developed by Dan Olweus, as one component of the instruction. Olweus (pronounced "ull-vay-us") uses class meetings and situation activities to practice and learn principles of honesty, tolerance, responsibility, respect, laws and rules, courtesy, dignity, and other traits that positively contribute to 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 Summary of the Code of Conduct

A student should never feel that it is not safe to come to school and participate in all school activities.

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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 or staff 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 policy and update content as necessary to comply with Education Law §2801(5). In conducting its review, the Board will include the policy in the review process outlined in PCS Policy 2307 Policy Review Committee and PCS Policy 2402 Policy Dissemination. Additionally, the Board will consider how effective the Code of Conduct has been, identify language that would clarify intent and support more consistent application and enforcement.

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 allowing public participation by school personnel, parents/guardians, students and any other interested person in accordance with Education Law §2801 (5) (a). The Code of Conduct and any amendments will be filed with the Commissioner as one of the annual superintendent reporting requirements required by Education Law §2801 (5) (b).

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APPENDIX A: REVISITING 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 forth in the Dress Code (Chapter 4) and show respect toward others and their property; |
| To have equal access to participate in all District activities; | To conduct oneself to the highest standard of behavior, demeanor and sportsmanship whether participating or attending school sponsored activities; |
| 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; |
| To be given the opportunity to 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 be treated respectfully and fairly. | To comply with reasonable directions given by school personnel in a respectful, positive manner, and to maintain self-control. |

CODE OF CONDUCT***APPENDIX B: DEVELOPING EXPECTATIONS FOR STUDENT BEHAVIOR*****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 and posters describing the information below are available from the principal and superintendent. The general beliefs are
1. The school represents a community.
 2. Connecting with students and developing healthy relationships; supporting healthy relationships *between* and *among* students matters.
 3. Certain strategies increase opportunities for student success.
 4. Healthy school climates accentuate the positive.
 5. The school has a responsibility to communicate and work in partnership with parents/guardians.
- B. The concept of well-managed schools focus on environments and skill deficits, and places emphasis on modeling behavior, positive approaches, lifelong social/emotional competence, and recognizes that behavior management is an ongoing process. Adults manage the learning environment by
1. Initiating corrective strategies.
 2. Sharing explicit corrective strategies for the student to apply.
 3. Identifying the progression of consequences when students do not correct behavior.
 4. Making a referral to the building administrator.

II. PROACTIVE APPROACHES INTENDED TO LIMIT THE NEED FOR DISCIPLINARY REFERRALS

- A. Those who supervise students should ensure rules and expectations are
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 regularly are
 - (a) choices to make when classwork is done;
 - (b) expectations for cell phone and electronic device use;
 - (c) conduct at assemblies.
- B. Examples of key social skills that may be necessary to review with students regularly are:
1. How to greet adults and peers at the beginning of class.
 2. How to appropriately request adult attention during class.
 3. How to disagree with others and not violate the Code of Conduct.
 4. How to apologize to adults and peers when needed.
 5. How to work with others when collaboration is required.

CODE OF CONDUCT***APPENDIX C: DEFINITIONS***

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

“Administrator” means the superintendent, the building/program administrators (such as principal, assistant principal, dean of students, administrator for special education, and athletic director), School Business Official, or the Supervisor of Transportation.

“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, gender identity, 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” means using any form of communication (such as written word, telephone, electronic device) to convey that a bomb, explosive, chemical, or biological weapon has been or will be on school property.

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

“Bullying or Harassment” means the creation of a hostile environment by conduct or 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 the conduct, threats, intimidation or abuse might reach school property.

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“Certified/Professional Staff” means all teachers, counselors, psychologists, speech pathologists, and certified or licensed individuals 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 or specified in federal and state law and regulations.

“Cyberbullying” means harassment or bullying that occurs through any form of electronic communication identified in NYS Education Law section 11(8).

“Disability” means either: (1) 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 (2) a record of such an impairment, or (3) 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” means, as noted in Education Law §3214(2-a) (b), an elementary or secondary student under the age of 21 who is disruptive of the educational process or who interferes with an adult’s ability to present an educational program to other students in the classroom and/or who undermines the teacher’s authority in 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, employed by the District, under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or delivery of services. The term “District personnel” includes transportation personnel whether employed by the District or by contract. For purposes of this Code of Conduct, the terms “District personnel” and “school personnel” are synonymous.

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

“Gang-Related” means any conduct or action that is gang motivated, caused by gang membership or involved gangs when occurring. A gang is defined as an organized group (typically characterized by turf concerns, symbols, gestures, dress, and/or colors) that engages in delinquent or illegal activity.

“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or Expression.

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

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“Harassment or Bullying” means the creation of a hostile environment by conduct or 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 the conduct, threats, intimidation or abuse might reach school property.

“Hazing” means committing an act against a student or coercing a student into committing an act that creates a risk of emotional, physical, or psychological harm 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, nicotine, tobacco/nicotine products or tobacco/nicotine delivery devices or related components, 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.

“Illegal Substances” means substances such as, 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”.

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

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school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips, or school-sponsored trips.

“School Property” means, in accordance with Law §2801(1), in or within a 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 accordance with Vehicle and Traffic Law §142, a bus.

“Sexual Orientation” means a person’s actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality as detailed in the Sexual Orientation Non-Discrimination Act.

“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” means exhibiting symptoms or behavior of having used of a quantity of alcohol or other impairment-causing substance that a reasonable conclusion that such consumption occurred. This impairment may be noted on school property, on a school bus, in a school vehicle, or at a school-sponsored function.

“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, nicotine, tobacco and nicotine 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;

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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” means 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 behavior 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 is not a student enrolled in school. An employee of the District who is not performing a function of employment and not meeting with an employee regarding a function of his/her employment is also considered a visitor;

“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, dagger or dagger-like instrument, 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.

Poland Central School District

Legal Ref: NYS Education Law §2801; 8 NYCRR 100.2

Adopted: 04/1/92

Reviewed: Annually

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

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07/09/2020*