

## I. Introduction

The Board of Education (“Board”) of the North Warren Central School District (“District”) 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 staff, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the character principles of civility, mutual respect, citizenship, perseverance, caring, self-discipline, courage, fairness, responsibility, honesty and integrity. District policies already govern many aspects of behavior expected of district employees, students, and visitors to school property.

However, students, parents and staff along with the Board see the need to clearly define district expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable behavior, and to ensure that discipline, when necessary, is administered promptly and fairly. For this purpose the Board adopts this code of conduct (“code”).

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

## II. Mission Statement

At North Warren Central School, we feel that learning is best achieved in an orderly, purposeful atmosphere, which is free from threat of physical and mental harm and limited in classroom distractions. It is our desire to maintain a learning environment that is not oppressive, but is supportive of teaching and learning.

We realize that within the District there needs to exist an atmosphere that is orderly without being rigid, quiet without being oppressive and generally conducive to achievement of desired goals and objectives. We want to promote a school climate that is warm and responsive, emphasizing learning and providing instructional support for learners.

Maintaining an active responsive learning environment is one of our greater challenges. We know that the effort is needed because a well disciplined school not only promotes goal achievement, but significantly promotes the ideal that students become self-disciplined managers of their own actions and resources.

## Definitions

For purposes of this code of conduct, the following definitions apply:

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process, or who substantially interferes with the teacher’s authority over the classroom, or who at any time on school property or at a school function, disrupts the orderly functioning of the school or school function.

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

“School Property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the school district, or in or on a school bus, as defined in Vehicle and Traffic Law S142. “School property” for purposes of this code also means any class or instruction outside of the boundaries of the school but which constitutes a part of the student’s educational program in the district, including, but not limited to, alternative instruction at a Board of Cooperative Educational Services (“BOCES”) facility or program, work training, community training, work study, or internship. School property can also mean any furniture, equipment, educational supplies or other non-fixed personal property owned by the district.

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

“Violent student” means a student under the age of 21 who:

1. Commits violent conduct as defined in this code upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, violent conduct upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon or an instrument of violence.
4. Displays, while on school property or at a school function, what appears to be a weapon or an instrument of violence.
5. Threatens, while on school property or at a school function, to use a weapon or an instrument of violence.
6. Knowingly and intentionally damages or destroys the personal property of the district or any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

To “threaten” means to communicate to any other person, either verbally, by overt act, or in any writing, information or statements that, explicitly or by implication, predict, threaten or describe past, present or future intention to engage in any act that would constitute any of the prohibited activities listed in sections 1 through 7 above.

“Weapon” means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act.

“Dangerous weapon” will be used in this code of conduct to refer to the definition contained in 18 USC S930(g)(w) in the context of the discipline of a student with a disability as defined below.

An “instrument of violence” includes, but is not limited to, any gun, knife, and spray of any kind that can cause injury, any explosive device or any other device, instrument, material or substance that can cause physical injury or death.

A “disability” means a disability as defined by the Individuals with Disabilities Education Act (“IDEA”) and Article 89 of the New York Education Law.

“Harassment” is defined by the Dignity Act (Education Law §11[7]) as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyber bullying, that (a) 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person’s actual or perceived sex, as well as gender identity and expression)

“Bullying” has been described by the USDE as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, according to the USDE, bullying generally involves the following characteristics:

- An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- The Intent to Cause Harm: The person bullying has a goal of causing harm.
- Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include, but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

“Hazing” is defined in Penal Law as a person intentionally or recklessly engaging in conduct during the course of another person’s initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury (Penal Law §120.16).

Under the Penal Law, it is also considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person’s initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person (Penal Law §120.17).

“Discrimination” is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, or and gender.

### III. Student Rights and Responsibilities

#### A. Student Rights

Students in the district are provided an equal opportunity to pursue an education. All students possess those rights of citizenship guaranteed by the Constitution of the United States and The State of New York. We feel that these citizenship rights may not be altered, abridged or obstructed in any way, except through due process of law.

In order to preserve individual rights while promoting learning, there is a need to recognize the rights of others. Therefore, students must assume responsibility for the way they exercise their rights. Students need to know the boundaries of their rights and accept consequences for their actions. All students should promote the dignity of and respect for the rights of others.

We know that working toward mutual trust and understanding lends support to responsible use of student rights. By applying the concept of mutual respect, we may be better able to promote learning and development of self-discipline, a sense of responsibility and acceptance of others.

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

1. Participate in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty. Be suspended from instruction only after their rights have been observed.
3. Express verbally and in writing their thoughts concerning issues without interfering with the educational process and/or the freedom of others to express themselves.
4. Address the administration and the Board on the same terms as any district resident.
5. Assemble peacefully as part of the educational process as defined by existing policy, curriculum or as authorized by the board of education or superintendent of schools.
6. Take part in school activities, curricular and extra-curricular, unless properly suspended from participation pursuant to the code of conduct.
7. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
8. Be treated in a respectful manner by other students and other members of the school community.

#### B. Student Responsibilities

All district learners have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school and classes every day unless they are legally excused and be in class, on time, and prepared to work to learn.
4. Take advantage of all school curricular and extra-curricular offerings by working to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Ask questions when they do not understand.
7. Work hard to develop ways to control their anger.
8. Seek help in solving problems that might lead to discipline.
9. Dress in accordance with the standards set by the district dress code; dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as ambassadors of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### IV. Other Roles and Responsibilities

##### A. Parents

All Parents are considered essential partners and they are expected to:

1. Know that the education of their child(ren) is a joint responsibility of the parents and the whole school community.
2. Provide school officials with current working home, work and emergency telephone numbers (cell phones or pagers are insufficient by themselves) so that school may reach parents to discuss student progress and other matters of mutual concern.
3. Send children to school in accordance with New York State laws and district policies ready to responsibly participate and learn.
4. Ensure that student absences are properly excused for a reason accepted as “excused” under New York Education Law and to provide appropriate school personnel with a reason for every absence; submit excuse when student returns to school.
5. Firmly guide students to attend school regularly, on time and prepared.
6. Insist and help their children to be dressed and groomed in a manner consistent with student dress code.
7. Help their children understand that in a democratic society, appropriate rules and laws are required to maintain a safe, orderly environment; know school rules and assist children in understanding them.
8. Know school and classroom rules and help their children understand them.
9. Convey to your children a supportive attitude toward them, their education and the district.
10. Build good relationships with teachers, other parents and your children’s friends; communicate your feelings and ideas to school personnel.
11. Be aware of the power of peer pressure and help their children deal effectively with the peer pressure at all grade levels.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a safe, quiet place for study and ensure the completion of homework assignments.
14. Reporting: Students who have been subjected to discrimination or harassment, parents whose children have been subjected to such behavior, or other students or staff who observe such behavior, are encouraged and expected to make verbal and/or written complaints to the appropriate and/or designated school personnel in accordance with the guidelines provided and the relevant provisions of the district’s code of conduct. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy.

## B. Teachers

All district teachers are expected to:

1. To promote development of healthy student self-concept and promote student confidence to learn by maintaining a climate of mutual respect and dignity in the classroom and on school property.
2. Know their students as learners and through teaching demonstrate a commitment to student achievement.
3. Be prepared to teach and to demonstrate interest in teaching and professional development.
4. Be prepared to teach, recognize value of classroom time and be committed to using bell to bell teaching.
5. Know school policies, rules and this code, obey them and enforce them in a fair and consistent manner.
6. Communicate to students and parents;
  - Yearly plans
  - Course objectives and requirements
  - Marking and grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
  - What students need to be successful
7. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
8. Know district emergency and security procedures and assist the school in their implementation, as appropriate.
9. (Reporting) Use current procedures to document and Report all violations of this code of conduct to the principal or designee.
10. Know and follow the procedures for student discipline listed in this code as they relate to teachers.
11. Know school rules, help students to understand them and enforce the rules.
12. Know when it is appropriate to refer students to Guidance and other student services.
13. Intervention - Remedial responses to discrimination or harassment, including bullying, taunting, or intimidation, is associated with staff intervention. This might include measures designed to correct the problem behavior, prevent another occurrence of the problem behavior, and protect the targeted student. Intervention can involve the “6-Step on the Spot Interventions”, followed by Remediation which can be targeted to the individual(s) involved in the behavior(s), ie. “Follow up Intervention with a Student who has been bullied” and “Follow up Intervention with a student who has bullied others”. In addition, intervention will focus upon the safety of the targeted student. When aware of incidents of discrimination, harassment or bullying, as well as intimidation or taunting, staff are expected either to refer the targeted

student to designated resources for assistance, or to intervene in accordance with this policy and the relevant provisions of the this code of conduct.

C. Student Services Personnel

1. School guidance counselors, assist students in coping with peer pressure and emerging personal, social and emotional problems; initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems; regularly review with students their educational progress and career plans; provide information to assist students with career planning; encourage students to benefit from the curriculum and extracurricular programs; plan and conduct appropriate student seminars; strive to guide students to take full advantage of learning programs.
2. School psychologists provide appropriate services as requested by the principal, or designee or study team.
3. Child support services personnel (Occupational therapist, physical therapist, and speech therapist) provide appropriate skilled-services as requested.

Prevention - A program geared to prevention is designed to not only decrease incidents of discrimination, harassment, bullying, taunting or intimidation, but to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention of such acts before they occur.

D. Principal

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Work with all staff to understand and enforce all school rules and the code of conduct.

E. Superintendent and other Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning with high expectations and student achievement.
2. Review with district administrators the policies of the Board and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.



4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work to promote learning programs in all the disciplines.
6. Maintain a future orientation for board and staff.
7. Work with district administrators and staff in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. All District Employees

1. Promote a safe and orderly school environment.
2. Know and obey this code of conduct and all other district rules and policies.

G. Board of Education

1. Collaborate with students, teachers, administrators, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and a school functions.
2. Adopt and review a least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

V. Student Dress Code

North Warren Central School students should display common sense and good taste in the matter of dress. However, the question arises as to what is and is not appropriate to wear to school.

The district will not use fashion or taste as the sole criterion to regulate student dress, but the district will regulate student dress to insure that students attend school in clothing that meets health and safety standards and that does not disrupt or interfere with the educational process. The principal and assistant principal shall have the authority to determine that a particular student's dress on a given day is "inappropriate" i.e., does not meet the above standard. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

Clothing that is disruptive to the education process is not permitted to be worn by students in school or on the school premises. Clothing that interferes with student's health, safety or limits full participation in school activities such as science laboratories, technology projects, or physical education activities, etc. will not be permitted. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school

functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel must exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

Students and their parents have the primary responsibility to make sure that student dress meets the code. All students are expected to give proper attention to personal cleanliness and to dress according to the code for school and school functions.

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

1. Not include extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps (straps must be three fingers wide), plunging necklines (front and/or back) and see-through garments.
2. Completely cover underwear with outer clothing; no visible underclothing will be permitted. Private body parts, including cleavage, must be covered at all times.
3. Not wear midriff-revealing-type apparel which means, when standing top meets bottoms. Skirts and shorts must be no shorter than length of your thumb when arms extended at your side.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats, bandanas or other head covers in the school buildings except for those whose medical condition or religious belief dictates otherwise.
6. Not include items that are vulgar, obscene, libelous, gang-related or that bully or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote, advertise and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not wear chains, spikes, and other potentially dangerous accessories.
9. Not constitute a danger to self or others in physical education class or athletic teams, under the guidelines set by the coach or teacher.
10. Not wear sunglasses without a doctor's note on file with the nurse.

The district may require specific dress for students participating in activities in which clothing and jewelry may be a safety or health concern, such as in science laboratories or technology class.

Your good judgment and sense of taste should be the guiding rule. If what you wear may offend someone else, then don't wear it. If you would not wear it to a job interview, then don't wear it to school. What is humorous or cute out of school may not be appropriate in school.

The principal and assistant principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

## VI. Prohibited Student Conduct

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

The best discipline is self-discipline, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students; ability to grow in self-discipline.

The Board realizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school when they, either alone or with others:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
  1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Tampering with or vandalizing any school district property.
  7. Trespassing. Students are not permitted in other district buildings without permission from an administrator.

Computer/electronic communications misuse, including any use of computers, software, or internet/intranet account that is unauthorized or violates any portion of this code of conduct; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

- A. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
  1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Lateness for, missing or leaving classes, alternative instruction or the school building or school property without permission.

Skipping detention, in-school suspension or any other disciplinary assignment.

- B. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
  1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

2. Any violation of the Student Dress Code as described in this code of conduct, or as further described in any school's guidelines regarding student dress.
3. Any conduct that is disorderly as defined in this code or in other district policies.

C. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon, a dangerous weapon or an instrument of violence. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon, a dangerous weapon or instrument of violence.
5. Threatening to use any weapon, a dangerous weapon or instrument of violence.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:

1. Lying to school personnel.
2. Stealing the property of the school district, other students, school personnel, or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination – Please see “Definitions” at beginning of this Code of Conduct document.
5. Harassment– Please see “Definitions” at beginning of this Code of Conduct document.
6. Intimidation– Please see “Definitions” at beginning of this Code of Conduct document.
7. Hazing– Please see “Definitions” at beginning of this Code of Conduct document.
8. Bullying– Please see “Definitions” at beginning of this Code of Conduct document.
9. Selling, using or possessing obscene material.
10. Using vulgar or abusive language, cursing or swearing.
11. Smoking a cigarette, cigar, pipe, vaping or using chewing or smokeless tobacco.
12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LDD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
13. Unauthorized use or sharing of prescription and over-the-counter drugs.
14. Gambling.

15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

16. Initiating a report warning of fire, explosion, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

17. Using a computerized information system to engage in any of the above conduct.

E. Engage in misconduct while on a school bus or field trip bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, use of vulgar language, pushing, shoving, fighting or any other violation of this code of conduct on a school bus will not be tolerated.

F. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

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

## VII. Reporting Violations

All students are expected to promptly report and describe violations of the code of conduct to a teacher, school counselor, the building principal or superintendent. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report and describe this information immediately to a teacher, the building principal, the assistant principal or the superintendent. Any student who files a false report engages in disruptive behavior under this code.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of the school as soon as practicable, but in no event later than the end of the school day when the principal first learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and allegedly constituted a crime.

Reporting: Students who have been subjected to discrimination or harassment, parents whose children have been subjected to such behavior, or other students or staff who observe such

behavior, are encouraged and expected to make verbal and/or written complaints to the appropriate and/or designated school personnel in accordance with the guidelines provided and the relevant provisions of the district's code of conduct. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy.

## VIII. Disciplinary Penalties, Procedures and Referrals

### A. Principles of Discipline and Consequences of Behavior

Effective discipline deals directly with the problem at the time and place it occurs, and in a way that students see as fair and impartial. Disciplinary action is expected to be used only when necessary and to place emphasis on the learner's ability to grow in self-discipline.

Firm, fair and consistent disciplinary action serves the learner the best when changing behavior. In determining the appropriate disciplinary sanction, consider the following:

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

With the exception of a serious penalty or referral to law enforcement, discipline will be progressive. Progressive discipline means that a learner's first offense will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability as defined by the Individuals with Disabilities Education Act (IDEA), the student shall, after guilt is determined pursuant to Education Law S3214, be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having such a disability shall not be disciplined, except pursuant to the guidelines in this code and applicable law.

### B. Range of Penalties

Students violating the code of conduct will be subject to the Staff Intervention Rubric and related consequences, or the following range of penalties, (depending upon incident), either alone or in combination. Penalties will be applied by staff consistent with the learner's right to due process.

1. Verbal warning – any member of the district staff.
2. Discipline Referral – bus drivers, teacher aides/teacher assistants serving as hall and lunch monitors, coaches, school counselors, teachers, principal, or superintendent.
3. Letter with Discipline Referral to parent – bus driver, monitors, coaches, school counselors, teachers, principal or superintendent.

4. Detention or other age-appropriate in-school penalty – teachers, principal, superintendent.
5. Suspension from transportation – principal, superintendent.
6. Suspension from athletic participation – Athletic Director, principal, superintendent
7. Suspension from social or extracurricular activities – Activity/club advisor, principal, superintendent.
8. Restitution for the value of stolen or damaged property – principal, superintendent
9. Suspension of other privileges - principal, superintendent.
10. In-school suspension - principal, superintendent
11. Removal from classroom – teacher, assistant principal, principal or superintendent.
12. Short-term (five days or less) out-of-school suspension – principal, superintendent or Board.
13. Long-term (more than five days) out-of-school suspension – principal, superintendent or Board
14. Permanent suspension from school - superintendent or Board

### C. Staff Intervention Rubrics

1. *Staff Intervention Rubric – Grades 7-12 – see attached*
2. *Staff Intervention Rubric – Grades PreK-6 – see attached*
3. *Levels Rubric – see attached*

### D. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, the student must be informed of the alleged misconduct and school personnel must investigate, to the extent necessary, the facts surrounding the allegation. All students will have an opportunity to present their version of the facts in connection with the imposition of the penalty.

#### 1. Detention

Teachers, principals and the superintendent may use before, during or after school detention as a penalty for student misconduct when deemed appropriate by the principal or superintendent in situations where a student's removal from the classroom would be inappropriate

#### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to immediately notify the Head Mechanic and building principal. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or superintendent. In such cases, the student's parent/guardian will be responsible for seeing that students get to and from school safely.

The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal or the director of guidance to discuss the conduct and the suspension.

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

A student suspended from athletic participation, extra-curricular activities or other privileges will be provided with a reasonable opportunity for an informal conference with the principal or athletic director to discuss the conduct and the penalty involved.

#### 4. In-school suspension from classes to supervised study

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 supportive of learning. The therefore authorizes the principal and the superintendent to suspend students from their regular classes who violate this code of conduct or school guidelines and place the students in an intensive supervised study program.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law S 3214. However, the student will be provided with a reasonable opportunity, within a reasonable time, to speak with the person imposing the in-school suspension from classes to discuss the conduct and the penalty involved.

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

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

If a student's behavior is deemed to be substantially disruptive of the educational process or substantially interfering with the teacher's authority over the classroom, the teacher may remove the disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only.

### IX. Alternative Instruction During Suspension or Removal from Class

When a student of any age is removed from class by a teacher, or whenever a student of compulsory attendance age is suspended from school pursuant to Education Law S 3214, the district will take immediate steps to provide alternative means of instruction for the student. A "suspension" is never a suspension from education, but from the location in which education takes place.

### X. Discipline of Students with Disabilities

At times it may be necessary to suspend, remove or otherwise discipline students with disabilities as defined in this code of conduct to address disruptive or problem behavior.



Students with disabilities must receive certain procedural protections whenever school authorities intend to impose discipline on them. Procedural safeguards required by applicable laws and regulations will be followed.

## XI. Use of Physical Force

### A. Corporal Punishment Forbidden

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Under New York Education law, corporal punishment of any student by any district employee is strictly forbidden.

### B. Legal Exceptions

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

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

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

## XII. Student Interrogations and Searches

### A. Interrogations by School Personnel

The Board is committed to ensuring a safe and orderly atmosphere on school property and at school functions. In order to achieve this kind of environment, persons authorized to impose a disciplinary penalty may question a student about alleged violation of law or the district code of conduct. Under New York State Education law and Commissioner of Education decisions, students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

### B. Searches by school personnel (general guidelines)

The board authorizes the superintendent, building principal, school nurse and district security to conduct searches of students and their belongings if there is reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

School personnel may search a student or the student's belongings based upon information received from a reliable informant. Information may come from reliable informants other than school employees and from district employees. However, before searching a student or the student's belongings, the school official should attempt to obtain a student's admission that he or she possesses physical evidence that they violated the law or the district code, or the student's voluntary consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

#### C. Searches of student lockers, desks, computerized information systems and other school storage places

The rules of this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, computerized information systems and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, computer hard drives and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. Students have exclusive use of a locker only so far as other students are concerned.

#### D. Removal of clothing during a student search

A search may require a student to remove some of his or her clothing, such as an outer coat or jacket, shoes, socks, sweaters, hats or vests, in conjunction with an investigation under this code of conduct. Students may also be required to empty pockets or shake out bulky clothing in the presence of school officials. If a school official believes it is necessary to conduct such a search of a student, the school official may do so only in the presence of another school official. The only exception to this rule is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Only law enforcement personnel, under the guidelines listed Sections E and F below, may conduct searches that require a student to remove all of his or her clothing.

#### E. Documentation of Searches

School officials conducting any search involving the removal of clothing other than coat, jacket, sweater, sweatshirt or other outer clothing under this section shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s)
4. Purpose of search (that is, what item(s) were being sought).

5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or designee shall be responsible for the custody, control and disposition of the search record and of any illegal or dangerous item taken from a student. The principal or designee 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 designee will be responsible for personally delivering dangerous or illegal items to police authorities.

#### F. Police involvement in searches and interrogations of students

The district is committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. In contrast to the authority of school officials, who have authority under the Education Law to question students without parental consent, police officials 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 school function to question or search a student or to conduct a formal investigation involving students, only if they have;

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

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

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

1. Inform students of their legal rights.
2. Inform students that they may remain silent if they so desire.
3. Inform students that they may request the presence of an attorney.

## G. Child Protective Services Investigations

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

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

A Child Protective Services worker may not remove a student from school property to place a child in protective custody without a court order, unless the worker reasonably believes that the student's life or health is in imminent danger if he or she were not placed in protective custody before a court order can reasonably be obtained. If the worker believes the student would be subject to imminent danger or abuse, the worker may remove the student without a court order and without the parent's consent.

## XIII. Visitors to the District

Parents and other district citizens are encouraged to visit the school and classrooms to observe the work of students, teachers and other staff. Please note that the school is a place of work and learning and certain limits must be set for visits. The building principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must sign in at the security desk upon arrival at the school. At the security desk visitors will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Security office before leaving the building.
3. Visitors to the bus garage must sign in and out in the log book.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

5. Parents or residents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property or any visitor who violates any provisions of this code of conduct will be reported to the principal or designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct and other district policies, regulations and procedures. The principal may limit the access of any visitor on school property, including a parent, if that visitor's conduct disrupts the educational process or environment of the school.

#### XIV. Public Conduct on School Property

The district maintains an orderly, respectful learning, working environment that is supportive of students learning and teachers teaching. 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 code, "public" will mean, all persons when on school property or attending a school function including but not limited to, students, teachers, other school employees, visitors, those using school property under a permit granted by the district and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district realizes that free inquiry and free expression are critical to preparing, implementing and evaluating district goals and objectives. The purpose of this code of conduct is to maintain public order and prevent abuse of the rights of all citizens.

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

##### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities, including student dismissal procedures.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, bully, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

6. Enter any portion of the school premises, including the use of telephones, fax machines and computerized information systems, without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate traffic directions, signs or traffic control devices, parking regulations or other restrictions on vehicles, especially in areas reserved for school buses during the hours of student arrival and dismissal;
9. Possess, consume, sell, distribute or exchange tobacco products, alcohol, controlled beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code and other district policies.
15. Operate unauthorized motor vehicle on school property (ATV, snowmobiles or any motorized recreational vehicles)
16. Use of skateboard, rollerblades or scooters on school grounds.
17. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## B. Penalties

Persons who violate this code of conduct will be subject to the following penalties:

1. Visitors. Their authorization or permit, if any, to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be subject to ejection or law enforcement referral.
2. Students. They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They will be subject to disciplinary action as the facts may warrant in accordance with Education Law S3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law S75. They will be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law S75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5 will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. Enforcement

The building principal or designee will be responsible for enforcing the conduct required by this section of the code of conduct.

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

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

## XV. Dissemination and Review

### A. Communication of the Code of Conduct

The District will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a plain-language summary of the code, and the code itself, to all students at a general assembly held at the beginning of each school year, post on the website and present at a parent meeting.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all employees with a copy of the current code of conduct in the faculty handbook.
5. Making copies of the code available for review by students, parents and other community members.
6. Requiring, when appropriate, that parents acknowledge, in writing, that they have received a copy of this code at the beginning of each school year.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff regarding in-service programs pertaining to the management and discipline of students.

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.