

# **Fort Ann Central School District Code of Conduct**

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**Code of Conduct**

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## Code of Conduct

### I. Introduction

The Board of Education of the Fort Ann Central School 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 personnel, parents and other visitors is essential to achieving this goal. The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct by students, staff and visitors to school property, and at school functions. Staff, students and visitors are expected to refrain from engaging in intimidation, harassment, bullying and/or discriminatory behavior based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender (including identity and expression), sexual orientation or disability on school property or at school functions. The prohibition of discriminatory and harassing conduct includes cyber bullying which involves the use of electronic communications to harass or threaten others, which may include communication initiating off school property. When such prohibited behavior occurs, the District will identify the possible consequences of unacceptable conduct, and ensure that discipline or other corrective and remedial action, when necessary and appropriate, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code"). Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

### II. Definitions

For purposes of this code, the following definitions apply.

- A. **School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law Section 11[1]).
- B. **School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).
- C. **School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).
- D. **Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

- E. Discrimination** is the denial of the rights of a student to equal access to the programs, activities or services offered or sponsored by the public schools resulting from deliberate indifference to **harassment** of the student as defined below.
- F. Harassment or Bullying** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying 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 and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[17]).
- Such conduct shall include, but is not limited to threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a persons' gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.
- G. Hostile Environment** in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
- H. Material Incident of Harassment, Bullying and/or Discrimination** means a single, verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a verified incident or series of related incidents of harassment or bullying that (1) occur off school property; (2) meet the definition of harassment and/or bullying as set forth above; and (3) is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.
- I. Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).
- J. Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).
- K. Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).
- L. Emotional Harm** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**M. Disruptive student** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

**O. Violent student** means a student under the age of 21 whom:

1. Commits an act of violence upon a school employee, or attempts to do so.
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.
3. Possesses, while on school property or at a school function, a weapon.
4. Threatens, while on school property or at a school function, to use a weapon.
5. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
6. Knowingly and intentionally damages or destroys school District property.

**P. Weapon** will be as defined as dangerous weapon in 18 USC 930(g)(2).

**Q. Firearm** will be as defined in 18 USC 921(a).

**R. Insubordination** refers to an act by a student that is disobedient or defiant of authority.

### III. Student Rights and Responsibilities

Our school system exists for many reasons. Primarily, it provides all students with the right of access to the educational opportunity available in this community. The required courses for graduation are provided to every student and the elective courses are determined by desire and ability. In addition, all extra-curricular clubs, classes, events and athletic teams are examples of the community's continuing commitment to provide a varied and enjoyable set of experiences for all students.

The following list of rights and responsibilities is provided to reinforce the attitude that students, parents and school staff can work together to achieve a combined effort to reduce problem situations and create positive ones.

#### A. Student Rights:

1. To attend school without fear of physical harm or intimidation.
2. To be provided access to all class and club opportunities without restriction other than the desire to succeed.
3. To have school rules and conditions available for review and, whenever necessary, explanation by the school personnel.
4. To be able to have all disciplinary actions explained and/or reviewed by the school staff through appropriate channels to the Board of Education, if requested.

5. To be protected from intimidation, harassment, bullying and/or discrimination based on actual or perceived race, color, weight, national origin, ethnicity, religion or religious practice, gender (including identity and expression), disability, sexual orientation or sex by employees or other students on school property or at a school function.

**B. Student Responsibilities:**

1. To know the student behavior rules and discipline procedures.
2. To exhibit reasonable conduct in accordance with the school rules.
3. To seek help in solving problems that might lead to discipline procedures.
4. To accept responsibility for one's actions
5. To report misconduct by Staff or students to school officials so that a positive and safe learning environment can be maintained.
6. To respect one another and to treat each other fairly and civilly in accordance with the Code of Conduct and the provisions of the Dignity for All Students Act (DASA), including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment, bullying and/or discrimination.
7. To refrain from engaging in intimidation, harassment, bullying and/or discriminatory behavior based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender (including identity and expression), sexual orientation or disability on school property or at a school function.

**IV. Essential Partners**

**A. Parent Rights:**

1. To be aware that the health and safety of their child is the primary concern of the staff and faculty at the Fort Ann Central School District.
2. To know that all educational opportunities are available to their child.
3. To be made aware of and have the ability to discuss or challenge school rules and conditions with school officials and through appropriate channels to the Board of Education.
4. To be notified when their child is accused of serious misconduct.

**B. Parent Responsibilities:**

1. To be aware of the school rules and discipline procedures.
2. To discuss and reinforce the student rules and discipline procedures with the pupil.
3. To work with the school administrators, school faculty and pupils toward the solution of a student's behavior problems.
4. To provide suggestions for the ongoing development of the disciplinary rules and procedures at the Fort Ann Central School District.

5. To teach their children respect and dignity for themselves and for others, regardless of actual or perceived race, color, weight, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender (including identity and expression) or sex which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act (DASA).

**C. District Employees and Staff Members are expected to:**

1. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender (including identity and expression) or sex which will strengthen students' self-confidence and promote a positive learning environment.
2. Demonstrate interest in learning and concern for student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
5. Confront issues of harassment, discrimination and/or bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or other person who is lawfully on school property or at a school function.
6. To report incidents of discrimination, bullying and/or harassment that are witnessed by faculty or otherwise brought to their attention via oral or written report by promptly notifying orally the building administrator, superintendent or their designee within one (1) school day from when they learn of the incident and to file a written report within two (2) school days thereafter with the principal, superintendent or their designee.

**D. Teachers and Support Staff**

1. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender (including identity and expression) or sex which will strengthen students' self-confidence and promote a positive learning environment.
2. Be prepared to teach or support teaching.
3. Demonstrate interest in learning and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Confront issues of harassment, discrimination and/or bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or other person who is lawfully on school property or at a school function.
8. To report incidents of discrimination, bullying and/or harassment that are witnessed by faculty or otherwise brought to their attention via oral or written report by promptly notifying orally the building administrator, superintendent or their designee within one (1)

school day from when they learn of the incident and to file a written report within two (2) school days thereafter with the principal, superintendent or their designee.

**E. School Counselors**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to fully access the curricular and extra-curricular programs.

**F. Principals**

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 extra-curricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender (including identity and expression) or sex, with an understanding of appropriate appearance, language and behavior in a school setting, to strengthen students' self-images and to promote the confidence to learn.
7. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are submitted to the principal, superintendent or their designee. Such investigations may be performed in collaboration with the Dignity Act Coordinator for each building.
8. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal, superintendent and/or their designee shall take prompt action, consistent with the District's Code of Conduct, including but not limited to the provisions set forth in the Commissioner's Regulations at 100.2(1)(2)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and to create a more positive school culture and climate.



9. To ensure the safety of the student(s) against whom the harassment, bullying and/or discriminatory conduct was directed.
10. To promptly notify the appropriate law enforcement agencies when it is believed that any harassment, bullying and/or discrimination may constitute criminal conduct.

**G. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigation is completed promptly after receipt of any written reports made under Education Law sec. 13.
7. To promote an environment free from intimidation, harassment, bullying and discrimination including any incidents occurring in person, verbally, or by electronic or written means, and to take measures, as necessary, to address any material incidents of harassment promptly.
8. To ensure the safety of the student or students against whom harassment, bullying and/or discrimination was directed.

**H. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. To appoint a Dignity Act Coordinator (DAC) in each school building who has the appropriate licensure and/or certification by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor; or Superintendent of schools.
5. Ensure that the (DAC) appointed will be thoroughly trained to handle human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex.

6. Ensure that each DAC appointed shall be provided with training which addresses the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.
7. Ensure that each DAC will be provided with training in the identification and mitigation of harassment, bullying and discrimination.
8. Ensure that each DAC shall be provided with training strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
9. Designate the school employee(s) charged with receiving reports of harassment, bullying and discrimination.

**V. Dignity for All Students Act**

It is the policy of the State of New York, as set forth in the Dignity for All Students Act ("DASA") as well as federal civil rights statutes, including Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and all subsequent amendments, to afford all students in public schools an environment free from discrimination and harassment.

In order to foster an environment which promotes and supports students' ability to learn and to meet high academic standards in the Fort Ann Central School District, the Board of Education is dedicated to ensuring the District promptly addresses any conduct which is inconsistent with the District's educational mission or which detracts from a healthy and positive school climate, including discriminatory or harassing behaviors as defined by the Dignity for All Students Act or related federal civil rights statutes set forth above. The Board of Education is committed to providing all its students with an environment free from discrimination and harassment and shall take steps to prevent harassment and discriminatory behaviors through educational measures designed to promote tolerance, respect for others and to promote awareness and sensitivity to discrimination or harassment to encourage civility and a climate of mutual respect, equality and dignity for all students on school grounds and at all school sponsored activities, programs or events. Harassment against any student by any student or employee that creates a hostile environment by conduct will not be tolerated.

By combining prevention with education, the District's goal is to decrease incidents of discrimination and harassment while simultaneously increasing awareness among students and staff to be sensitive and alert to the warning signs of bullying, cyber bullying, sexting, and harassment as well as their obligation to report or act when such acts occur. Essential components of this effort shall include:

The Board of Education will appoint a Dignity Act Coordinator for each school. The District, in conjunction with the DAC shall review procedures and forms for district-wide use for reporting, investigation, remediating, tracking and preventive actions taken to discourage reoccurrence instances of harassment or discrimination. In addition, the District will submit and report to the State on an annual basis material incidents of discrimination and harassment on school grounds or at school functions, using the VADIR reporting form developed by the State Education Department.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or who witness such acts shall report the incident orally within one (1) school day to the Principal, the Superintendent or their designee. Following the oral report, a written report of the act(s) of harassment, discrimination and/or bullying shall be filed within two (2) school days.

Students will be strongly encouraged to report incidents of harassment, bullying and/or discrimination which they witness to the building administrator, a staff member or the person designated to receive such complaints in each building.

**A. Dignity Act Coordinator:**

The Board will designate at least one staff member in every school to serve as the Dignity Act Coordinator. The Role of the Dignity Act Coordinator (“DAC”) is to coordinate and enforce this policy. The DAC shall be thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity and expression and sex. The DAC shall be responsible for coordinating employee training, supporting implementation of district policy, ensuring inclusive curriculum to reinforce and promote tolerance and a harassment free environment. The DAC shall also serve as an accessible resource to students and staff related to this policy or prevention and response strategies.

The role of the DAC is crucial in promoting a positive educational climate, therefore there must be an acting DAC at all times. In the event that a DAC vacates his or her position, another school employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor DAC by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform the duties of the position for an extended period of time, then another school employee shall be immediately designated as an interim appointment as the DAC, pending the return of the previous DAC to their duties.

To promote the communication between parents, teachers, students and other educational professionals, the DAC contact information shall be available on the district’s website; included in the student handbook provided to all parents and students before or at the beginning of each school year; included in at least one district or school mailing per school year and, if the DAC changes, in at least one subsequent mailing as soon as practicable thereafter.

**B. Dignity Act Intervention**

Intervention at the earliest stage possible is crucial in preventing escalation of harassment and discrimination and to encourage proactive resolution to promote a positive learning environment for all students. Intervention efforts will emphasize measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees focusing on education and should be designed to discourage another occurrence of the behavior.

Successful intervention may involve remedial measures. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remediation may be targeted to the individual(s) involved in the harassing or discriminatory behavior or may include environmental approaches which are targeted to the school or district as a whole. Individual-focused remedial measures may include, but are not limited to peer support groups; corrective instruction or other learning or service experience; supportive interventions; behavioral assessment or evaluation; behavioral management plans with closely monitored benchmarks; student counseling and parent conferences. Environmental remediation strategies may include supervisory systems that empower school staff with prevention and intervention tools to address incidents of bullying and harassment; strategies for determining the conditions contributing to discriminatory behaviors; adoption of research-based, systemic harassment prevention programs; modification of schedules; adjustment in hallway traffic and other student routes of travel; targeted use of monitors; staff professional development; parent conferences; involvement of parent-teacher organizations and peer support groups.

In addition to addressing the discriminatory or harassing conduct, intervention shall also include support and assistance to the student that was the target of the harassment as well as

identification of prompt and effective steps reasonably calculated to end the harassment; to eliminate any hostile (unfriendly) environment and to prevent such conduct from reoccurring. When harassment has occurred, staff, in conjunction with the DAC, the parents and the student, shall review whether the student requires counseling support, accommodations or other services to remedy the effects of the harassment and if there is a need, shall provide such services or supports. Accommodations and on-going supports provided to a target of harassment shall be reviewed, as needed, to ensure that any safety concerns have been addressed and to determine whether accommodations or supports should be continued, adjusted or discontinued.

### **C. Dignity Act Reporting and Investigation**

The District recognizes its ongoing commitment to provide a safe and positive educational climate free from bullying and harassment and will publicize its policies and reporting expectations for incidents of harassment or discrimination. To ensure effective and timely remedy to incidents of bullying and harassment, students who have been harassed, students or staff who have witnessed what they believe to be an incident of bullying or harassment are encouraged and expected to promptly make a written or verbal complaint to school personnel in a manner consistent with publicized school-wide practices and guidance as soon as possible after the incident.

The district cannot effectively address harassment or bullying if incidents are not reported. All school personnel have a duty to report incidents of student to student or staff to student harassment which they observe to their supervisor, the building administrator or the DAC. If school personnel receive any reports of incidents of harassment against a student by staff or other student(s), they must promptly relay the report to their supervisor, the building administrator or to the DAC as set forth in the implementing procedures for this policy. If a staff member is unfamiliar with the reporting procedure, it is their obligation to inquire about the process from their supervisor and to act accordingly. An employee who fails to report an observed incident, regardless of whether the student complains, within the designated time frame, may be deemed to have permitted unlawful discrimination or harassment.

Once the school knows of an alleged incident of harassment, there must be a timely investigation to determine what occurred. Complaints shall be handled and documented in accordance with regulations and procedures developed by the district-wide task force in conjunction with the DAC. The results of the investigation shall be reported back to both the target and the individual accused of harassing or discriminatory behavior or conduct. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the procedures established by the district-wide task force to implement this policy.

The District will make a bullying complaint form, and appeal of decision form available on its website and at the main office in each building to facilitate reporting. The district will promptly and equitably investigate all complaints, formal or informal, verbal or written. In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with related anti-discrimination policies will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the guidance procedures developed by the district wide task force.

To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. The District will balance its legal obligation to conduct its investigation, to take necessary action to resolve the complaint and to provide procedural rights to the individual(s) accused of the harassment or discrimination through the investigation. Individuals responsible for investigating complaints will discuss any concerns or issues related to confidentiality with the individuals involved. Complainants must be informed that the District's need to respond effectively to the harassment and to prevent reoccurrence is a critical part of the investigation. All complainants shall be advised that district policy and federal law prohibit retaliation against complainants and witnesses. If the complainant, witness or reporting staff member believes that they have experienced retaliation, they need to report this issue as soon as possible to the District for appropriate responsive action to address and to prevent retaliation from recurring, if applicable.

The reporting mechanism used for identifying instances of discrimination and harassment should be used to compile relevant information which may assist in assessing the school climate and the effectiveness (or challenges) related to interventions; staff training; guidance and forms or student educational programs.

#### **D. Dignity Act Disciplinary Consequences/Remediation**

Even with prevention and education, instances of discrimination or harassment may still occur. Should such an instance arise, the individual engaging in the harassing or discriminatory conduct must be advised that their actions and conduct will not be tolerated and that their behavior must be changed immediately. Students who engage in harassing or discriminatory conduct will receive guidance on making positive choices and support to understand how their actions have negatively impacted other student(s) and must not continue. As appropriate, disciplinary action will be taken by the building principal or other authorized administrator in accordance with the district's Code of Conduct. If the discriminatory or harassing behavior rises to the level of criminal activity, law enforcement will be contacted.

Any consequences must be imposed in a manner consistent with the district's Code of Conduct. In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

In addition to disciplinary measures, remedial responses should be considered to discern why the discrimination or harassment occurred and should be targeted to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remedial measures may be appropriate on an individual or school-wide basis, depending on the nature of the underlying misconduct.

#### **E. Dignity Act Non-Retaliation for Reporting or Participating in an investigation when acting in good faith.**

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee, student, or a third party while on school grounds or at a school function who reports such information to school officials, the Commissioner or law enforcement, who reports and acts in good faith, shall be immune from civil liability from making such a report.

In addition, all complainants; those who participate in the investigation of a complaint in conformity with state law and district policies, or who are required to testify, participate or assist in the investigation procedure shall be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

## **VI. Student Dress Code**

Individual students have the responsibility to attend school in appropriate dress that meets health and safety standards, does not interfere or distract from the educational program and is not revealing, risqué, or offensive. Parents/guardians have the responsibility to insure that their student is dressed in accordance with the **Student Dress Code**.

Individual buildings may define, in more detail, prohibited clothing items and acceptable dress in the student handbook.

### **A. Prohibited clothing and attire include but is not limited to**

1. those that contain expressions or insignias which are obscene
2. those that contain objectionable language, including insults of any nature
3. those which contain racial, ethnic or religious prejudice
4. those which advertise or advocate the use of drugs, alcohol or tobacco
5. those which contain references to violence or the use of weapons
6. be safe and include footwear at all times
7. items deemed to be revealing, or risqué

## **VII. Prohibited Student Conduct**

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

**A. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:**

1. Running in hallways.
2. Making unreasonable and excessive noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Purposefully obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing
7. Engaging in inappropriate use of electronic devices during the school day, including but not limited to cell phones, cameras, pagers/beepers, radios, iPods, MP3 players, tablets, laptops, cd players and other portable recording, video, photographic, or electronic devices.

**B. 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. Displaying behavior that is rude or disrespectful.

**C. Engage in conduct that is deemed to be harassing, bullying, or threatening (including harassing, bullying, or threatening statements, made verbally or non-verbally or electronically). Examples of conduct that is deemed to be harassing, bullying, or threatening 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. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; accessing other student or staff member accounts, downloading unauthorized software, malware, spyware or images, or any other violation of the District's acceptable use policy.
3. Threatening or intimidating verbal or non-verbal gestures.

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

1. Committing an act of violence (such as hitting, kicking, punching, and 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. Authorized law enforcement officials, as permitted by law, and individuals who have the expressed written permission of the Superintendent or his/her designee 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.
  5. Threatening to use any weapon.
  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.
  8. Engaging in repeated harassing, bullying and/or discriminatory conduct which has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits or mental, emotional and/or physical well-being, including conducts, threats, intimidation or abuse that reasonably causes or would be reasonably expected to cause emotional harm; or that reasonably causes or would be reasonably expected to cause a physical injury to a student or to cause a student to fear for his or her physical safety or well-being; or conduct that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.
- E. The school is particularly committed to ending student involvement 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 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, which includes the use of race, color, national origin, religion, religious practice, ethnicity, gender, gender identification and expression, sex, weight, sexual orientation or disability as a basis for treating another in a negative manner.
  5. Harassment (including bullying/cyberbullying) which includes the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse (including cyberbullying) that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well being; including conduct, threats or abuse that reasonably causes or would be reasonably expected to cause emotional harm; or causes or would reasonably be expected to cause physical injury or would reasonably cause a student to fear for his or her physical safety. Such acts of harassment and/or bullying include those that occur on school property or at a school function; or may occur off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Harassing and bullying behavior may be based on any characteristic, including but not limited to actual or perceived race, color, weight, national original, ethnic group, religion, disability , sexual orientation, religious practice, gender (identity or expression) or sex that creates a



hostile environment, or which a reasonable person would perceive as ridiculing or demeaning.

6. Intimidation, which includes engaging in verbal or non-verbal actions or statements that put an individual in fear of bodily harm.
  7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Possession or use of a cigarette, use within cigar, pipe, bidi, clove cigarette and any other smoking product; as well as possession or use of chewing or smokeless tobacco, possession of any other tobacco product in any form, or possession or use of vapor or electronic cigarettes and other smoking alternative tools, devices, liquids and paraphernalia.
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either, or possession of drug paraphernalia (pipes, bong, needles, etc).
  12. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, TCH liquid, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as counterfeit drugs, synthetic drugs or "designer drugs."
  13. Inappropriately using, possessing, selling or sharing 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, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  17. Inappropriate public displays of affection.
  18. Inappropriate sexual contact.
- F. Engage in any form of misconduct while on a school bus. Examples of such misconduct include but are not limited to:**
1. Failing to observe normal classroom and specific bus conduct rules
  2. Being discourteous, using profane, vulgar, lewd, intimidating or threatening language
  3. Failing to keep the bus clean
  4. Being uncooperative with the driver or bus aide
  5. Smoking

6. Damaging the bus or equipment
7. Failing to keep head, hands and feet inside the bus
8. Fighting, pushing or shoving

**G. Engage in any form of academic misconduct, including by electronic means. 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.

**H. Engage in off-campus misconduct that endangers the health and safety of student or staff within the school or creates a material disruption to the educational process. Examples of misconduct include but are not limited to:**

1. Cyberbullying
2. Threatening, hazing, harassing students or school personnel over the phone or the internet
3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel

**VIII. Reporting Violations**

All students and staff are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Any student observing a student being harassed, bullied and/or discriminated against by another student, staff or a third party while on school grounds or at a school function shall report this information, either orally or in writing, immediately to a teacher, the Principal, the Superintendent or their designee.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or who witness such acts shall report the incident orally within one (1) school day to the Principal, the Principal's designee or to the Superintendent. Following an oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days. The District's building administrator, Superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination and ensure that such investigation is completed promptly after receipt of any written report made.

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Superintendent, building administrator and/or their designee shall take prompt action, consistent with the District's Code of Conduct, including but not limited to provisions of Section 100.2(l)(2)(ii)(h) reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent

recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.

Any retaliation against an individual who, in good faith, reports, investigates, participates or otherwise assists in the investigation of harassment, bullying and/or discrimination is prohibited.

All District staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately. The parent or guardian of the student involved will be notified of the disciplinary sanction selected, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that may constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

The principal, superintendent or their designee shall notify promptly the appropriate law enforcement agency when it is believed that any harassment, bullying and/or discrimination may constitute criminal conduct.

## **IX. Disciplinary Penalties, Procedures and Referrals**

### **A. Discipline**

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

Disciplinary action, when necessary, will be fair and consistent so as to be the most effective in changing student behavior.

In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

## **B. Penalties**

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

1. Oral warning – any member of the District staff
2. Written warning – bus driver, hall and lunch monitors, school nurse, teacher's aides/assistants, secretaries, coaches, school counselors, teachers, principals, superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, school nurse, teacher's aides/assistants, secretaries, coaches, school counselors, teachers, principals, superintendent.
4. Lunch Detention (in classroom, or office) – hall and lunch monitors, teacher's aides/assistants, coaches, school counselors, teachers, principals, superintendent.
5. Teacher Assigned Detention (in classroom) – teacher
6. Conference with parents - bus driver, hall and lunch monitors, school nurse, teacher's aides/assistants, secretaries, coaches, school counselors, teachers, principals, superintendent.
7. Administrative detention – principals, superintendent or his/her designee.
8. Suspension from transportation – director of transportation, principals, superintendent.
9. Suspension from extra-curricular and co-curricular activities – coaches, advisors, athletic director, principals, superintendent.
10. Suspension from social or extra-curricular activities – coaches, advisors, principals, superintendent.
11. Suspension of other privileges – principals, superintendent.

12. Saturday Detention – principals, superintendent.
13. In-school suspension – principals, superintendent.
14. Removal from classroom by teacher – teachers, principals.
15. Short-term (five days or fewer) suspension from school – principals, superintendent, Board of Education.
16. Long-term (more than five days) suspension from school superintendent, Board of Education.
17. Permanent suspension from school – superintendent, Board of Education.

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

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **1. Lunch Detention**

Appropriate staff may use lunch detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The student's parent will be notified upon assignment of a lunch detention.

#### **2. Detention**

Appropriate staff may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The student's parent will be notified upon assignment of a detention.

#### **3. Saturday Detention**

Principals and the superintendent may use Saturday detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The student's parent will be notified upon assignment of a detention.

A student subjected to a Saturday detention is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

#### **4. Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or

the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

#### **5. Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges.**

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

#### **6. 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 building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension".

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

#### **7. Teacher Disciplinary Removal of Disruptive Students**

Prior to formal removal, teachers may use other classroom management practices

These practices may include the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: short-term "time out" in an elementary classroom or in an administrator's office; sending a student into the hallway briefly; sending a student to the principal's office for the remainder of the class time only; or sending a student to a guidance counselor or other District staff member for counselling. Practices such as these do not constitute disciplinary removals for purposes of this code.

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

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

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

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

The teacher must complete a District-established disciplinary referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day. Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

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

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

Each teacher must keep a complete log for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation. If such a removal would result in a change in placement, the student with a disability will be afforded due process as provided under Federal and State law and Regulation, which may include a manifestation determination or an impartial hearing, as appropriate.

## **8. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals. Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written referral form is to be prepared as soon as possible by the staff member recommending the suspension. The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter.

## **9. Short-term (5 days or less) suspension from school.**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal.

Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses using procedures as established by the principal. These procedures will be established based upon the details and circumstances of each individual case.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's



presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal (using the District's Appeal of Decision Form) to the superintendent within one week, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 school days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal (using the District's Appeal of Decision Form) to the Board of Education with the District Clerk within one week of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. The Board of Education shall issue a written decision, through the District Clerk, regarding the appeal within 10 school days of receiving the appeal. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

An appeal of the decision of the superintendent may be made to the Board, through the District Clerk. The Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing (using the District's Appeal of Decision Form) and submitted to the District Clerk within one week of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

#### **11. 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 lawfully on school property or attending a school function.

### **D. Minimum Periods of Suspension**

#### **1. Students who bring a weapon to school.**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year.

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

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

**2. Students who commit violent acts other than bringing a weapon to school.**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-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-year suspension for possessing a weapon.

**3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be subject to further disciplinary actions up to and including Out of School Suspension. Students disciplinary files will be reviewed on a case by case base with consequences assigned appropriately at the discretion of the administrator in relation to the student handbook.

For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-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-year suspension for possessing a weapon.

**E. Referrals**

**1. Counseling**

The Guidance Office, CSE, principal, school psychologist, school nurse and teachers shall handle all referrals of students to counseling. Students who are found guilty of engaging in harassing, bullying or discriminatory behavior may be referred for counseling as part of a remediation effort to prevent recurrence.

**2. PINS Diversion Petitions**

The District may file a PINS Diversion (person in need of supervision) petition in with the Washington County Department of Social Services on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
- d. Knowingly and unlawfully possessing any drug, including prescription drugs not prescribed to the individual in possession of such, will be a sufficient basis for filing a PINS petition.

**3. Juvenile Delinquents and Juvenile Offenders. The superintendent/designee is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:**

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law
- c. The superintendent/designee is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

**X. Alternative Instruction**

When a teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. This instruction may include but is not limited to: supervised educational support, assigned tutoring and after school instruction.

**XI. Discipline of Students with Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes

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

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

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

1. For purposes of this section of the Code of Conduct, the following definitions apply. A “suspension” means a suspension pursuant to Education Law § 3214.

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

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the District superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school 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 or a school function.

- e. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - f. "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.
  - g. "Illegal drugs," means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school 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.

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

- 1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- 2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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.

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

- 1. The District's Committee on Special Education shall:
  - a. Conduct functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement

for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If the CSE finds that modifications to the student's current IEP, program and/or supports are needed, the CSE shall convene a meeting to modify such plan and its implementation. .

- b. 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 or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. A basis of knowledge exists, if, prior to the time the alleged misconduct occurred:
      1. The Parent of the student expressed concern, in writing, to supervisory or administrative personnel of the district or to a teacher of the student that the student may be in need of special education. Expression of such concern may be oral when the Parent does not know how to write or has a disability which prevents a written statement.
      2. The Parent of the student has requested an evaluation of the student which is pending; or
      3. A teacher of the student or other personnel of the District have expressed a specific concern about a pattern of behavior demonstrated by the student directly to the Director of Special Education/CSE Chairperson for the District or to other supervisory personnel (building administrators, superintendent) of the District.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge that the student was a student with a disability, the District either:
      1. conducted an individual evaluation and determined that the student is not a student with a disability, or
      2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

3. The parent of the student has not allowed an evaluation of the student pursuant to section 200.4 of the commissioner's regulations; or
4. The Parent of the student refused services under the IDEA and Article 89 of the Education Law of New York.

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

3. The District shall provide parents 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 or 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 shall accompany the notice of disciplinary removal.

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

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
2. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
  3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
  4. An expedited due process hearing shall be conducted in accordance with the procedures specified in Section 200.5(j) of the Regulations of the commissioner pursuant to the following timelines, unless the Parent and District agree in writing to waive the resolution meeting or agree to mediation:
    - i. A resolution meeting shall occur within seven (7) days of receiving notice of the due process complaint.
    - ii. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of receipt of the due process complaint.
    - iii. The expedited due process hearing shall occur within twenty (20) school days of the date the complaint requesting the hearing is filed.
    - iv. No extensions may be granted during the expedited impartial hearing timeline.
  5. The impartial hearing officer shall mail a written (or at the option of the Parents) electronic findings of fact and the decision to the District, the Parents, the Board of Education and to the Office of Special Education of the State Education Department ten (10) school days after the hearing is completed.

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

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.



## **XII. Corporal Punishment**

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

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

- A. Protect oneself, another student, teacher or any person from physical injury.
- B. Protect the property of the school or others.
- C. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

An emergency physical intervention may be used only after other less intrusive interventions have been tried and failed, or when it is determined that the use of other less intrusive interventions and further delay in the use of an emergency physical intervention would, in all likelihood, increase the risk of harm to self or others. Less intrusive approaches include but are not limited to the use of de-escalation diversions or verbal interventions.

A physical restraint shall only be utilized in those circumstances listed above, and only in the presence of another staff member who shall remain present at all times until the person restrained is released and movement is no longer limited. The sole exception that another person be present when a physical restraint is determined necessary is upon a determination that any delay would heighten the risk of harm or damage to the student or others. In such cases, the individual using the restraint shall take immediate steps to engage another staff member as an observer as soon as possible.

In such cases, where it has been determined that a physical restraint is necessary, only those individuals who are trained to administer such restraints shall do so. When determined necessary, the physical restraint shall be discontinued as soon as the danger of serious physical harm to self, others or damage to property prompting the use of force is no longer present. The use of a physical restraint will be documented consistent with the District's established procedures.

## **XIII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. In an effort to engage parents as partners in the education of their children, parents of students that are questioned will be notified of the questioning whenever possible and deemed necessary. Such notifications will occur at the discretion of the administration.

In addition, the Board authorizes the superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings, including cell

phones and other electronic devices, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. If deemed necessary, school officials may invite members of law enforcement to assist in the search of lockers, desks and other school storage places.

#### **B. Documentation of Searches**

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

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

until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

**XIV. Interview of Students by Outside Agencies and Release of Students to Outside Agencies**

**A. Entry onto District Premises**

It is the practice of the District to cooperate with law enforcement agencies. While law enforcement officers (hereinafter "police", to include town/village police officers, State Troopers, County Sheriffs, etc.) do not have a general power to interview children in schools, or to use school facilities in connection with police department work, the police may enter the schools of the District if (1) they have cause to believe a crime has been committed on school property or at a school function or (2) that a crime has been committed against a child by a parent/guardian, (3) they have a warrant for arrest or search, or (4) they have been invited onto School Premises by school officials.

**B. Interviews of Students by Child Protective Services:**

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

1. This Regulation shall apply to any interview requested by the Department of Social Services, Child Protective Services, as it pertains to agency investigation involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect, and custody investigations.
2. All requests by Child Protective Services to interview a student of the District on school property shall be made directly to the Building Principal or his/her designee.
3. The Building Principal or his/her designee, in his/her discretion, shall designate the time and place of such interview in consultation with Child Protective Services.
4. For any student enrolled in grades kindergarten through grade eight, any such interview conducted by the Child Protective Services shall be made in the presence of a District staff person designated by the Building Principal for that purpose. For any student enrolled in grades nine through twelve, the interview will be conducted in the presence of a District staff person designated by the Building Principal unless the student voluntarily requests that one not be present.
5. If the nature of the allegation is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective service 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 service worker or school district official of the opposite sex.
6. 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 or abuse if he or she was not removed from school before a court order can be reasonably be obtained.

7. This Regulation is for the purpose of protecting and benefiting the students of the District and every reasonable effort shall be made to accommodate the request of the Department of Social Services, Child Protective Services, as it relates to the aforementioned investigations.

**C. Interviews of Students by Law Enforcement Officials:**

It is the practice of the District to cooperate with law enforcement agencies. However, no police officer may enter the schools of the District for the purposes of interrogating, searching, or conducting formal investigations of students unless the officer has a warrant for arrest or search, there is cause to believe a crime has been committed on school property or at a school function, the police officer is investigating an alleged crime against a child by a parent/guardian, or the officer has been invited by school officials

When police have properly entered the school and desire to question a student, the Building Principal or other designated administrator will be present during the questioning of the student. Additionally, the Building Principal shall contact a parent/guardian and offer the opportunity to be present during the interview except in the case of an emergency or other extremely urgent circumstances as determined by a school administrator in consultation with law enforcement, when investigating an alleged crime committed on school property or at a school function, or when the police are investigating an alleged crime against a child by a parent/guardian. Emergency and urgent circumstances may include, but are not limited to, the investigation of:

- a. an intruder in the building;
- b. an explosive device within a building;
- c. the possession of a weapon by someone in the building; or
- d. other potential damage to persons or property

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

- a. They must be informed of their legal rights.
- b. They may remain silent if they so desire.
- c. They may request the presence of an attorney.

**D. Release of Students to Outside Agencies:**

The only instances in which a student will be released to a representative of an outside agency are: (1) to an officer-of-the-law who presents a warrant or court order indicating that the student is to be released in the officer's custody; or (2) to an officer-of-the-law who alleges there is probable cause for suspecting that a student committed a crime on school property and the officer is prepared to effectuate an immediate arrest of the student; or (3) to an officer-of-the-law or employee of the Department of Social Services acting pursuant to the Family Court Act and the Social Services Law who alleges that there are grave and urgent circumstances constituting an imminent danger to the life or health of the student; or (4) with permission of a parent/guardian. In circumstances 1 through 3 above, parents will be notified of the release of the student to an outside agency, as soon as reasonably practicable, based upon consultation with the governmental official or agency taking the student into custody.

For purposes of this policy, "District Premises" shall be defined as buildings, grounds and vehicles of the District, as well as locations where school events are taking place.

**XV. Visitors to the Schools**

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

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must report to the front office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the front office before leaving the building.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Parents or citizens who wish to observe a classroom or meet with a staff member while school is in session are required to arrange such visits in advance with the building Principal, so that class disruption is kept to a minimum.
- D. Teachers are expected not to take class time to discuss individual matters with visitors.
- E. Visitors that stray from the areas or individuals they were approved to visit will be considered unauthorized and asked to leave.
- F. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- G. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct. Individuals or groups that repeatedly fail to follow the rules and procedures for visitors will be denied future visitations to the school.

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

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers 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 recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the 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.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, bully and/or discriminate against any person on the actual or perceived basis of race, color, national origin, religion, religious practice, age, gender (including identity and expression), sexual orientation, weight, sex or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Knowingly obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Use tobacco, any other smoking product; or use chewing or smokeless tobacco, or use electronic or vapor cigarettes, liquids and paraphernalia.
11. 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.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Display behavior that is rude or disrespectful.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They 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 that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall 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 his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop.

The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XVII. Spectator Conduct & Expectations**

### **A. Fort Ann encourages:**

- Good Sportsmanship
- Enthusiastic and respectful support of your team
- Family friendly atmosphere
- Welcoming attitude to all fans and visitors

### **B. Unacceptable behaviors shall include:**

- Disruptive, unruly, or intoxicated behavior
- Abusive, threatening or foul language
- Rudeness, heckling, badgering of umpires, referees, coaches, fans, staff, and students
- Obscene gestures
- Visibly disruptive or intoxicated behavior by fans
- Coaching your child or other players during games/practices. Please allow coaches to do their job.

Spectators who display unacceptable behaviors will be subject to sanctions, including refusal of admittance, removal from the event and possible arrest.

**First Offense** – The spectator will be issued a yellow card as a warning that their behavior may not be appropriate for this educational setting. This will be documented by the Athletic Director.

**Second Offense** – The spectator will be given a red card and be asked to leave the school property immediately\*. The spectator will schedule a meeting with the Athletic Director with resulting action that may include a minimum of removal from the next three athletic contests of the same or the next season's sport.

\*Failure to comply with the request to leave the school property immediately will result in contact of Law Enforcement. The spectator will be removed from all FACSD athletic contests and other school events and activities for the remainder of the school year of infraction. A letter of ejection will be sent from the Office of the Principal notifying the spectator of the remainder of the school year ejection.

**Third Offense or use of Physical Violence** – The spectator will be issued a red card. The spectator will be removed from all Fort Ann Middle/High School athletic contests and all other school events and activities for up to a two-year period (beginning with the date of offense). A letter of ejection will be sent from the Office of the Superintendent notifying the spectator of the suspension.

## **XVIII. Dissemination and Review**

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

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the code (the Junior-Senior High School Handbook and/or Elementary School Handbook) to all students at the beginning of each school year, in age appropriate and plain-language.
2. Making copies of the summary code, or distributing them in a format determined by the district, which may include electronic form, or sending a copy home with the student at the beginning of each school year.
3. Mailing a summary of the code of conduct to all parents of school district students before the beginning of the school year and making this summary available later upon request.
4. Posting a copy of the Code of Conduct (and the Junior Senior High School and Elementary School Handbooks) on the Fort Ann Central School District website for parental and community review at the beginning of the school year.
5. Notifying all current teachers and other staff members that a copy of the code and a copy of any amendments to the code (and handbooks) are available online at the Fort Ann Central School District web site.
6. Providing all new employees with a copy of the current code of conduct when they are first hired.
7. Making copies of the code available for review by parents, students, and other community members upon request in the District offices.
8. Ensuring that all parents or persons in parental relation will receive notice, at least annually, of the DAC for each building and the name of the designated building official to whom complaints of alleged harassment, discrimination, and/or bullying may be made. Information will be provided in a manner determined by the school (which may include through electronic information or by sending information home with students.) This



information will also be posted in highly visible areas of the school building and will also be made available at District and school-level administrative offices.

9. The Board of Education will review this Code of Conduct, as well as the Junior-Senior High School and Elementary School Handbooks 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.
10. The Board may appoint an advisory committee to assist in reviewing this 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.
11. The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines for promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom. Such training shall be designed to raise staff awareness and sensitivity to potential acts of discrimination, bullying and/or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their reoccurrence. Training will be designed to make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination on students. Staff shall also receive training to assist in addressing the social patterns of harassment, bullying and/or discrimination to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.
12. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.