

POLICY 5300
DISTRICT CODE OF CONDUCT

SECTION 1. INTRODUCTION

The Poughkeepsie City School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

1. Identify, recognize and emphasize acceptable behavior;
2. Identify, recognize and prevent unacceptable behavior;
3. Promote self-discipline;
4. Consider the welfare of the individual as well as that of the school community as a whole;
5. Promote a close working relationship between parents/guardians and the school staff,
6. Distinguish between minor and serious offenses, as well as between first time and repeated offenses;
7. Provide disciplinary responses that are appropriate to the misbehavior;
8. Outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
9. Encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct; and
10. Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

Disciplinary measures available to the administration of each school building include conferences with parent/guardian, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

SECTION 2: DEFINITIONS

For the purposes of this Code, the following definitions apply:

Bullying - means any overt acts by a student or a group of students, or an employee directed against a student with the intent to ridicule, humiliate or intimidate the student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time.

Cyber Bullying- is the act of tormenting, threatening, harassing, humiliating, embarrassing or otherwise targeting a student by another student using the Internet, interactive and digital technologies and/or mobile phones.

Defamation - demeaning or harming the reputation of a person or group of persons, including making false representation or derogatory conclusions about a person or group, may include slurs, epithets or inappropriate language.

Discrimination - is the intimidation or unfair treatment against any person on the basis of actual or perceived, physical characteristics, race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability. This is not an all-inclusive list.

Disruptive Student - 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.

Gender – actual or perceived sex and includes a person's gender identity or expression.

Gender Expression – the manner in which a person represents or expresses

gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity – one’s self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Harassment - the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Hazing - any intentional or reckless acts directed at an individual or group for the purpose of initiation, affiliation or maintaining membership in any school sponsored club, team, organization or activity. Hazing activities produce mental or physical discomfort, embarrassment or humiliation.

Parent - the parent, guardian or person in parental relation to a student.

Removal - the act of a teacher in discontinuing the presence of the student in his/her classroom for being disruptive or interfering with the teacher’s authority over the class.

School Property - in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in 142 of the New York State Vehicle and Traffic Law.

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School Function - any school sponsored extra-curricular, co-curricular or other event or activity.

Sexual Orientation - actual or perceived heterosexuality, homosexuality or bisexuality.

Suspension - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Violent Student - a student under the age of 21 who:

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. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;
7. Knowingly and intentionally damages or destroys school district property.

Weapon –includes but is not limited to a firearm as defined in the Gun-Free Schools Act (18 USC §921): e.g., “any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.” The term weapon also includes pocket knives with blades of less than 2.5 inches, provided, however, that possession of such pocket knives, while prohibited, may not necessarily rise to the level of requiring a suspension, depending upon the context of the offense.

SECTION 3. STUDENT BILL OF RIGHTS AND THE ROLES AND RESPONSIBILITIES OF MEMBERS OF THE SCHOOL COMMUNITY

The Poughkeepsie City School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All student in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the

student turns 16) are entitled to alternative, equivalent instruction following suspension.

A. RIGHTS OF STUDENTS

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right

1. To be provided with an education that is intellectually challenging and relevant to the demands of the 21st century;
2. To learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
3. To participate in district activities on an equal basis regardless of actual or perceived race, color, creed, national origin, weight, religion, religious practice, ethnic group, gender, disability or sexual orientation.
4. To be informed of all school rules; and
5. To be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. Student Expression - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. Symbolic Expression - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "dress code".
3. Student Activities - All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. Student Government - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish

reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

5. Student Clubs and Other Student Organizations - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. Privacy Rights [Search and Seizure] - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search has reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
7. Pregnant Students - The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students unless the student's physician determines that the student is disabled and certifies that the student requires home instruction.
8. Student Grievances and Complaints - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.
9. Video Surveillance - Video surveillance cameras may be used in school buildings in areas where there is no "reasonable expectation of privacy" and on school buses in order to assist the District to maintain student discipline, to safeguard facilities and property of the District and for the safety of students, staff and visitors while on District property.

B. RESPONSIBILITIES OF STUDENTS

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

1. To accept responsibility for his/her actions;
2. To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
3. To attend school every day possible and on a punctual basis;
4. To complete class assignments and other school responsibilities by established deadlines;
5. To show evidence of appropriate progress toward meeting course and/or diploma requirements;
6. To respect school property, e.g. lockers, and help to keep it free from damage;
7. To obey school regulations and rules made by school authorities and by the student governing body;
8. To recognize that teachers and other school personnel will address matters of behavior and discipline when at school, as well as during any school-sponsored activities;
9. To contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
10. To become familiar with this code and seek interpretation of parts not understood;
11. To actively discourage inappropriate behavior of other students and report the incidents to the school staff; and
12. To use their own ideas, works, creations and knowledge in completing examinations, projects, reports. Students who cheat and/or plagiarize (using the ideas or words of another without full acknowledgment or attribution) will receive an academic sanction, which may include a zero on the assignment.

C. THE ROLE OF PARENTS/GUARDIANS

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve a positive relationship, parents are urged:

To develop a relationship between parent and teacher, child and teacher.

1. To show an enthusiastic and supportive attitude toward school and education, that encourages high academic goals
2. To build a good working relationship between themselves and their child, and their child and school staff;
3. To teach their child self-respect, respect for the law, respect for others and for public property;
4. To insist on prompt and regular attendance;
5. To listen to the views and observations of all parties concerned;
6. To recognize that all school personnel merit the same consideration and respect that parents expect from their child;

7. To encourage their child to take pride in his/her appearance;
8. To insist that their child promptly bring home all communications from school;
9. To cooperate with school staff in jointly resolving any school related problem;
10. To inform school officials of changes in the home situation that may affect student conduct or performance;
11. To inform and update school officials on medical, legal and other matters that relate to the student in the school setting;
12. To set realistic standards of behavior for their child and resolve to remain firm and consistent;
13. To help their child learn to deal effectively with negative peer pressure;
14. To provide a place conducive for study and completion of homework assignments;
15. To demonstrate desirable standards of behavior through personal example;
16. To foster a feeling of pride in their child for their school;
17. To provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

D. THE ROLE OF TEACHERS

Every teacher knows that s/he works every day with this nation's most precious resource - the future generation. In view of responsibility, the teacher must:

1. Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image;
2. Plan and conduct a program of instruction that will make learning challenging and stimulating;
3. Be aware that some disciplinary problems are caused by a student's personal and academic frustrations;
4. Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
5. Seek to develop close cooperative relationships with parents for the educational benefit of the student;
6. Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
7. Teach the common courtesies by precept and example;
8. Handle individual infractions privately and not punish the group for the misbehavior of one or two;
9. Help students cope with negative peer pressure;
10. Identify changing student behavior patterns and notify appropriate personnel;
11. Encourage students to discuss their problems with them;
12. Establish clear reciprocal communication with parents

13. Report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
14. Treat students in an ethical, responsible and nondiscriminatory manner;
15. Help students to reach their maximum potential;
16. Serve as loco parentis in matters of behavior and discipline in accordance with New York State School Law;
17. Explain and interpret the discipline code and other school rules to students;
18. Enforce the code in all areas of the school
19. Demonstrate desirable standards of behavior through personal example;
20. Know the support services available to students and refer students who are in need of such services;
21. Comply with state education law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting;
22. In the event of removal from class, inform the student and the Principal of the reason for the removal;
23. Immediately report and refer violent students to the Principal or superintendent of schools;
24. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
25. Address personal biases that may prevent equal treatment of all students and staff; and
26. To maintain confidentiality in accordance with federal and state law.

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- a) Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image;
- b) Model the common courtesies by example;
- c) Treat students in an ethical and responsible manner;
- d) Help students to reach their maximum potential;
- e) Demonstrate desirable standards of behavior through personal example;
- f) Report violations of the Code of Conduct to the Building Principal or acting building principal;
- g) Immediately report and refer violent students to the Principal or superintendent of schools;
- h) Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- i) Address personal biases that may prevent equal treatment of all students

- and staff; and
- j) To maintain confidentiality in accordance with federal and state law.

E. THE ROLE OF SCHOOL PERSONNEL

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

1. Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image;
2. Model the common courtesies by example;
3. Treat students in an ethical and responsible manner;
4. Help students to reach their maximum potential;
5. Demonstrate desirable standards of behavior through personal example;
6. Report violations of the Code of Conduct to the Building Principal or acting building principal;
7. Immediately report and refer violent students to the Principal or superintendent of schools;
8. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
9. Address personal biases that may prevent equal treatment of all students and staff; and
10. To maintain confidentiality in accordance with federal and state law.

F. THE ROLE OF BUILDING ADMINISTRATORS:

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

1. Promote a safe, sound and healthful atmosphere of mutual respect supporting active teaching and learning for all students regardless of actual or perceive race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
2. Evaluate the program of instruction in their school to achieve a meaningful educational program including civility education into the curriculum;
3. Help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
4. Develop procedures which reduce the likelihood of student misconduct;
5. Provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
6. Work with students and staff to formulate school regulations;

7. Assist staff members to resolve problems which may occur;
8. Work closely with parents to establish a wholesome relationship between home and school;
9. Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
10. Enforce necessary building security;
11. Assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;
12. Insure that students are provided with fair, reasonable, and consistent discipline;
13. Comply with pertinent state laws governing hearings, suspensions, and student rights;
14. Develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities”;
15. Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
16. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
17. Address personal biases that may prevent equal treatment of all students and staff;
18. Maintain confidentiality in accordance with federal and state law; and
19. Demonstrate desirable standards of behavior through personal example.

G. THE ROLE OF DASA COORDINATORS:

It is the responsibility of DASA Coordinators to:

1. Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
2. Oversee and coordinate the work of the District-wide bullying prevention committee;
3. Identify curricular resources that support civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources;
4. Coordinate training in support of the District’s Bullying Prevention and Intervention strategies;
5. Be responsible for monitoring and reporting on the effectiveness of the District’s Bullying Prevention and Intervention strategies;
6. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of a student, school

- employee or person who is lawfully on school property or at a school function;
7. Address personal biases that may prevent equal treatment of all students and staff.

H. THE ROLE OF DISTRICT ADMINISTRATORS

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

1. Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades Pre-K-12;
2. Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
3. Develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community;
4. Demonstrate desirable standards of behavior through personal example;
5. Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
6. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
7. Address personal biases that may prevent equal treatment of all students and staff;
8. Maintain confidentiality in accordance with federal and state law;
9. Disseminate the Code of Conduct and anti-harassment policies to staff;

I. THE ROLE OF THE BOARD OF EDUCATION

As the elected officials in charge of our schools, the Board of Education:

1. Adopts the policies governing the District, including this code of conduct;
2. Ensures that the code of conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
3. Ensures that the code of conduct is clearly communicated to and disseminated to students, parents, staff and the school community;
4. Ensures that the code of conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
5. Annually reviews the code of conduct and updates it as necessary;
6. Complies with state education law and regulations regarding mandated reporting of suspected child abuse in the educational setting;
7. Maintains confidentiality in accordance with federal and state law; and
8. Demonstrates desirable standards of behavior through personal example.

J. CONDUCT OF VISITORS

Compare to District Policy and ensure in line with policy

In an effort to maintain a safe, orderly and healthy educational environment that is conducive to learning, during the regular school day all visitors MUST HAVE A SCHEDULED APPOINTMENT to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the order of the schools or the educational process and in accordance with the law, District Policy and this Code of Conduct.

SECTION 4. REPORTING CODE VIOLATIONS

A. To School District Personnel

Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. Such individuals are required to report any threat of violence, including but not limited to bomb threats, threats to persons or property, whether by oral, written or electronic means, possession of a weapon, alcohol or illegal substance on school property or at a school function to a teacher, the Building Principal or, in his/her absence, the Acting Building Principal or Superintendent of Schools.

Any weapon, alcohol, tobacco, nicotine, illegal substance, or similar item (such as synthetic drugs) found shall be confiscated immediately, if possible, maintained in a secure location, followed by notification to the student's parent and law enforcement as appropriate.

B. To Local Law Enforcement Agencies

The District will report any acts of violence against persons that constitute a crime and other violations of the Code of Conduct which constitute a crime and affect the order and security of the school to the appropriate local law enforcement agency when the actor is over the age of 16- Or is 14 or 15 years old Need to verify the ages and qualifies for juvenile offender status. This report shall be made as soon as practical but in no event later than the close of business the day the Principal or Acting Building Principal learns of the violation. When necessary, the District will file a complaint in criminal court against the actor.

C. To Human Services Agencies

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

D. GUN-FREE SCHOOLS ACT

ANY STUDENT WHO COMES ONTO SCHOOL PROPERTY (OR A SCHOOL EVENT WHETHER ON OR OFF SCHOOL PROPERTY) WITH A FIREARM, AS DEFINED UNDER THIS ACT (SEE DEFINITION OF “WEAPON” IN SECTION 2 OF THIS POLICY), WILL RECEIVE A MINIMUM ONE-YEAR SUSPENSION FROM SCHOOL, SUBJECT TO THE DISCRETION OF THE SUPERINTENDENT OF SCHOOLS TO MODIFY THE PENALTY FOR A STUDENT IF THE SUPERINTENDENT BELIEVES THAT THE ONE YEAR OR LONGER SUSPENSION PENALTY IS EXCESSIVE. THE SUPERINTENDENT SHALL MAKE THE DECISION ON A CASE-BY-CASE BASIS, BASED UPON CRITERIA, INCLUDING BUT NOT LIMITED TO:

1. The age of the student;
2. The student’s grades in school;
3. The student’s prior disciplinary record;
4. The Superintendent’s belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s) and/or others; and
6. Other extenuating circumstances.

SECTION 5. DIGNITY FOR ALL STUDENTS ACT (DASA)

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student’s ability to learn and achieve high academic standards, and a school’s ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing and intimidation. The District will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District’s educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at school-sponsored events and activities that take place on or off of school property. In addition, any act of discrimination or harassment outside of school-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline.

SECTION 6. REMOVAL OF A STUDENT FROM THE CLASSROOM

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A secondary teacher may remove a student for the remainder of the class upon the first event and for up to two days of class upon the second or third event in a semester. An elementary teacher may remove a student for one class period or one hour upon the first event and for up to two days of class upon the second or third event in a semester. Upon the occurrence of a fourth event in a semester, a Principal's suspension may occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

1. The teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
 - Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
 - The Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;

- The Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- The Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed;
- The Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools within 10 calendar days of the removal decision, prior to any further appeal.

SECTION 7. STUDENT SUSPENSION PROCESS

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate, disorderly or violent, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- Is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below in Section 14.

A. Pre-suspension Process

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short Term Suspension Process

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Superintendent of Schools within 10 calendar days of the removal decision, prior to any further appeal.

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-

term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

1. Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours' notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

2. The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal, or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- That the District's and the student's representatives shall have the right to examine and cross-examine witnesses;

- That the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- That the District has the burden of proving the charges by a preponderance of the credible evidence;
- That a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- That the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- That the case will proceed by having the District present its evidence through witnesses and other evidence first;
- That the District's witnesses shall be subject to cross-examination by the student's representative; and
- That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall

make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

3. Alternative Instruction

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

4. Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination may be appealed to the Board of Education within thirty (30) calendar days of receipt of the Superintendent's decision. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's early return to school or suspension revocation, including, but not limited to, the student's voluntary participation in counseling or voluntary participation in special classes, such as those addressing anger

management or dispute resolution.

D. Off-Campus Misconduct

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non- school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupts the operation of the school or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educational process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

SECTION 8. DRESS AND GROOMING

Students are expected to dress and groom themselves in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are **prohibited** in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry, chains, or jewelry with spikes which can injure the student or others);
- Bandanas, whether worn on the body or visibly in a pocket;
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon actual or perceived race, color, creed, ethnic group, weight, religion, religious practice, national origin, gender, sexual orientation or disability;
- The wearing of hats or hoods in the building (unless worn for religious or

- medical reasons);
- The wearing of do-rags, skullcaps, headbands, or other similar head adornments;
- Any dress or appearance that constitutes a disruption to the educational process or constitutes a health or safety concern.

SECTION 9. COMPUTER AND INTERNET USE

The following prohibited use of District technology resources, including but not limited to computer drives, network facilities, the Internet and Internet links) may give rise to disciplinary action against users of such equipment and/or facilities:

- A. E-mail or other electronic, digital or mobile communications (e.g., text messages) originating from the school premises or received at the school premises or school event or activity or which affects the operation of the school or a school event or activity that a student user creates that:
 - 1. Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
 - 2. Conveys a threat of violence, including sexual violence, to a specific individual or individuals;
 - 3. Constitutes a state and/or federal crime;
 - 4. Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
 - 5. Attributes the text of email, text message or other electronic, digital or mobile communication to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
- B. Technology/Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
- C. Technology and/or Internet use that is not school related or is unauthorized.
- D. Permitting the use of a student's log-in credentials by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's login credentials.
- E. E-mails or other electronic, digital or mobile communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to or harasses or bullies a specific individual or individuals or to the school district may give rise to disciplinary action against such student. Local law enforcement agencies will be contacted

in an appropriate case.

SECTION 10. SUSPENSION FROM TRANSPORTATION SERVICE

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

SECTION 11. SUSPENSION FROM EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES, AND SCHOOL FUNCTIONS

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/ guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends). This may have an impact on the student's participation in graduation ceremonies and other school-sponsored activities such as the senior trip and prom.

SECTION 12. DISCIPLINE OF STUDENTS WITH DISABILITIES

A principal may suspend a student with an educational disability for a short-term (5 school days or less) in the same manner as non-disabled students may be suspended. A principal's designation of an Interim Alternative Educational Setting must be made in consultation with the student's special education teacher.

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability or meets the "suspected of having a disability" standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

A. Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged. The 504 Committee shall consider any appropriate evaluations and/or modifications to the student's accommodation plan.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed in the same manner as it would be for nondisabled students, upon remand to the §3214 hearing officer. Any penalty imposed may not be based on past behavior for which a nexus determination was not made. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that the same students are currently engaged in the illegal use of drugs or use of alcohol.
4. The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

B. IDEA Disability

For students classified or presumed to have disabilities under the Individuals with Disabilities Act (hereinafter referred to as "IDEA") (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 or fewer days in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

C. Manifestation Determinations

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and the relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that

the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
 - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When a Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a).

A meeting for the sole purpose of making a manifestation determination does not require five-calendar days' notice to the student's parent or guardian at the meeting. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a) (3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

2. Discipline of Students with Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding." When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:
 - a. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
 - b. A court order or order from an impartial hearing officer of

suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.

c. The violation involves weapons, drugs or serious bodily injury.

3. Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury. A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

- In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length." While a pocket knife with a blade of less than 2-1/2 inches in length is not a weapon for purposes of Commissioner's Regulation §201.7, a student possessing a pocket knife may, however, be subject to discipline under the Code of Conduct, up to and including suspension from school.
- In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed healthcare professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
- In accordance with law, the term "serious bodily injury" means bodily injury involving a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

- If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and
 - A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.
4. Dangerous Students. To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is "dangerous" and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to 45 school days in accordance with 8 NYCRR §201.8 and 201.11.
- The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.
 - If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
 - An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.
5. Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding." Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as nondisabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.
6. Pendency Placement. An IAES shall be deemed the student's "stay put"

placement for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in an CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

7. Declassified Students. In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

SECTION 13. PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the School District is to provide an atmosphere for learning, education and work. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

A. PROHIBITED CONDUCT

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

- Willfully cause physical injury to any other person, or threaten to do so, intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, religion, religious practice, ethnic group, gender, age, marital status, sexual orientation or disability;
- Physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;

- Willfully damage or destroy property of the District or under its jurisdiction or the personal property of a district employee or any person lawfully on school property (including graffiti or arson),; or remove or use such property without authorization;
- Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- Without authorization, remain in any building or facility after it is normally closed;
- Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs, school activities, lectures and meetings
- Deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids), tobacco, "e-cigarettes" or cartridge or be under the influence of any such items on school property or at a school function;
- Loiter on or about school property;
- Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
- Refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function; and/or
- Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

B. PENALTIES AND PROCEDURES

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by 3214 of the
- Education Law and the Student Code of Conduct. □
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in 75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

C. ENFORCEMENT PROGRAM

- The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
- In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
- The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator

of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

SECTION 14. Guidelines for Intervention and Disciplinary Responses

The following charts describe and delineate the various levels of interventions and disciplinary responses that the District may take in response to Code of Conduct violations by students and which District employees are empowered to implement certain interventions/disciplinary measures. Specific violations should generally be punished at the lowest level indicated on the following chart first. A student who repeatedly violates a specific prohibited behavior in the Code of Conduct may be punished by the imposition of the next measure of disciplinary consequence. Chronic repeating of incidents of misconduct may lead to long-term suspension or permanent suspension, including expulsion.

A Level 1 violation should generally be addressed through Classroom Support and/or Student Support Team. A Level 2 violation should generally be addressed by Administrators. A Level 3 violation should generally be addressed by the Building Principal. A Level 4 violation should generally be addressed by Superintendent.

District employees are directed to use progressive discipline as consequences are most effective with students when they deal directly with the problem in a timely manner 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 warranted and to place emphasis on the students' ability to grow in self-discipline.

When choosing interventions and consequences for students' behavior, teachers, administrators, and staff must balance the District's goals of eliminating school disruptions and student/staff safety as well as maximizing student instructional time. Prior to disciplining students, the following factors shall be considered:

- Age, health, and disability or special education status of the student
- Appropriateness of student's academic placement;
- Student's prior conduct and record of behavior;
- Student's understanding of the impact of their behavior;
- Student's attitude in interactions regarding the behavior;
- Student's willingness to repair the harm caused by their behavior;
- Seriousness of the infraction and the degree of harm caused;

- Impact of the incident on overall school community;
- Whether the student’s behavior threatened the safety of any student or staff member; and
- The likelihood that a lesser intervention would adequately address the behavior.

Where appropriate, discipline will be progressive. This means that a student’s first incident will usually merit a consequence of a lesser degree than subsequent violations, taking into account all factors relevant to the severity of the current violation. However, in instances where a student’s conduct is dangerous or threatens the safety of others, a more severe form of disciplinary action may be warranted, even if it is the student’s first offense.

If the conduct of a student with a disability results in a long-term suspension or a series of short-term suspensions, consequences shall be administered consistent with the separate requirements of law and this Code of Conducts for disciplining students with a disability or presumed to have a disability.

In many cases, instead of disciplinary consequences, the response to a violation of the Code can be used as a “teachable moment.” This is fundamental to a positive approach to discipline. Progressive consequences use incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive consequences do not seek punishment but, rather, they seek concurrent accountability and behavioral change.

The ultimate goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused
- Understand what they could have done differently in the same situation
- Take responsibility for their action
- Be given the opportunity to learn pro-social strategies and skills to use in the future; and
- Understand the progression of more stringent consequences if the behavior reoccurs.

Every reasonable effort should be made to correct student misbehavior through interventions and other school-based resources and the least severe disciplinary responses that are reasonably calculated to correct the behavior. Interventions are essential because inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

Concurrent Support and Disciplinary Response to Misconduct	
<p>When a student engages in misconduct, support services are provided to address the student’s inappropriate behavior and/or underlying needs in conjunction with disciplinary action. The goal is to foster social-emotional growth and pro-social behavior and prevent future misbehavior.</p>	
Supports and Intervention Options	Disciplinary Response Options
<p>For students serving a long-term suspension, student support services are provided at an alternate instructional site. Contact between the site and the student’s home school is established to ensure academic progress and a successful transition upon return.</p> <p style="text-align: center;"><u>Range of Supports and Intervention Options</u></p> <ul style="list-style-type: none"> ● Teacher conference/classroom observation ● Peer mediation; conflict resolution ● Restorative practices (e.g., circle or formal restorative conference) ● Assignment of a mentor/coach ● Guidance lessons in classrooms ● Social-emotional learning ● Individual behavioral contract or progress reports ● Collaborative problem solving ● Referral to Student Support Team (PPT)- when available ● Parent Contact, including: <ol style="list-style-type: none"> 1. Guidance conference 2. Individual and/or small group counseling 3. Referral to school nurse or school-based health clinic or external health care provider 4. Referral for academic support services 5. Referral to external mental health counseling provider or community based organization 6. Referral to counseling for bullying, intimidation or harassment 7. Referral to counseling for youth relationship abuse or sexual violence 8. Referral to substance abuse counseling 9. Referral to attendance teacher/coordinator 10. Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) for students with special needs 11. School counselor and/or other support staff and/or administrator/student conference 	<p>Long-Term Superintendent’s Suspension</p> <ul style="list-style-type: none"> ● Permanent suspension/expulsion ● One school year suspension without review for early reinstatement ● One school year suspension with review at 90 and 135 days ● Suspension for 60-90 school days with review every 30 school days ● Suspension for 30-59 school days with review at 30 school days for suspensions of 39 or more school days ● Suspension for 11-29 school days ● Suspension for 6-10 school days <p>Teacher Removal or Principal’s Suspension</p> <ul style="list-style-type: none"> ● Principal’s suspension (up to 5 school days) ● Removal from classroom by teacher <p>Range of In-School Disciplinary Response(s)</p> <ul style="list-style-type: none"> ● Formal restorative conference ● Individual behavior contract ● Short-term progress reports ● Referral to Pupil Personnel Team (PPT) ● Supervisor’s conference with student ● In-school disciplinary action (e.g., detention, in-school suspension) ● Parent conference ● Student/teacher conference ● Administrator/parent and student conference ● Administrator meeting with student to address wrongdoing and its consequences
Initial Response(s)	
<p>When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor and/or to the PPT. One or more interventions and/or options for primary disciplinary consequences are used to address the student’s behavior.</p>	
Universal Prevention for All Students	
<p>The school takes a whole school approach to promoting positive student behavior. Social-emotional learning is infused into the curriculum. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social-emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster prosocial student behavior, foster resiliency, and build students’ positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention and/or support services.</p>	

LEVELS OF INTERVENTIONS AND RESPONSES	
<p>Examples of Level 1 Classroom Interventions and Responses</p> <p>These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion.</p>	
<ul style="list-style-type: none"> ● Establish relationships with students ● Contact parent via telephone, e-mail or text message ● Verbal correction ● Reminders and redirection (e.g. role play) ● Written reflection ● Parent/guardian conference ● Seat change ● Parent/guardian accompany student to school. 	<ul style="list-style-type: none"> ● Daily progress sheet on behavior ● In-class time out ● Establish buddy teacher system. ● Loss of classroom privileges ● Letter of apology ● Student conference with teacher
<p>Examples of Level 1 Student Support Team Interventions and Responses</p> <p>These interventions often involve support staff, both school based and within the broader community, and aim to engage the student’s support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student’s inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.</p>	
<ul style="list-style-type: none"> ● Parent/guardian notification ● Peer mentoring ● Referral to after-school program ● Restorative Justice strategies ● Community conferencing ● Referral to school-based health or mental health clinic ● Mentoring program ● Conflict resolution ● Community mediation ● Referral to community 	
<p>Examples of Level 2 Administrative Interventions and Responses</p> <p>These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p>	
<ul style="list-style-type: none"> ● Change in schedule or class ● Loss of privilege ● Reprimand by appropriate administrator ● Community conferencing ● Parent/guardian notification ● Restitution ● Referral to Student Support Team (SST) for consideration of intervention ● Assignment of work projects ● Detention ● Restorative justice strategies, including school and community service 	<ul style="list-style-type: none"> ● Mentoring ● Conflict resolution ● Revision to IEP (for students with disabilities) after CSE meeting ● FBA/BIP* For Students with disabilities ● Removal from the classroom. ● Suspension from computer/technology in accordance with the acceptable use policy ● Peer mediation ● Mediation with offender and victim with the support of the psychologist or social worker

Examples of Level 3 Building Administration Interventions and Responses

These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

- Warning (oral or written).
- Apology (verbal and/or written) from student to school personnel, another student and/or class.
- Confiscation of item (e.g., electronic device)
- Detention.
- Suspension of privilege.
- Student contract.
- Parent conference, in person or by phone.
- Conflict resolution.
- Written referral to building and administration
- Academic sanctions (only for academic infractions, e.g. cheating)
- Mediation with offender and victim with the support of a psychologist or social worker.
- Restitution (paying for replacement or repair)
- Suspension from privilege activity (athletics, extra- or co- curricular activity participation, dance, prom, graduation).
- In-school suspension
- Referral to substance abuse counseling
- Referral to community organizations, including community conferencing/community mediation.
- Restorative Justice strategies, including school and community service
- Suspension from school for up to five (5) days
- Suspension from school for up to 5 days and referral for a Superintendent’s Hearing.
- Referral to police

Example of Level 4 (Superintendent) Interventions and Responses

These interventions involve the removal of a student from the school environment because of the severity of the behavior or the continual disruption of the school environment. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

- Parent/guardian notification
- Alternative educational placement by the Central Processing Office
- Long-term suspension
- Functional Behavioral Assessment
- Behavioral Intervention Plan
- Community conferencing
- Community mediation
- Referral to community organizations
- Referral to substance abuse counseling
- Permanent Suspension (serious behavioral infractions)
- Referral to IEP team (students with disabilities) for Manifestation Determination
- Restorative Justice strategies, including school and community service
- Suspension from school for more than 5 days after a Superintendent’s Hearing.
- Suspension from school for at least one year for possession of a weapon under the Gun- Free Schools Act (subject to the right of the Superintendent of Schools to modify the penalty)
- Placement in an interim alternative educational setting for a period of up to 45 school days; in the case of a student with a disability who carries or possesses a weapon, in the case of a student with a disability who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance or inflicts serious bodily injury to another person at school or a school function and such conduct is determined to be related to his/her disability.

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE (Offenses are listed/ranked in an order of increasing severity)			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – generally appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
*** WHENEVER AN OFFENSE HAS A VICTIM, AN ADMINISTRATOR SHOULD *** CONSIDER WHETHER A FEDERAL REFERRAL FOR BULLYING OR HARRASSMENT SHOULD BE MADE			

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (46) Disturbances which disrupt instruction. Any continued disruption which interferes with the teaching and learning process				
All Students (K-12)	•	•	•	

Offense: (45) Cheating

Cheating (including plagiarism) in any academic, extra-curricular, or co-curricular activity. One consequence could be a reduced grade, a grade of zero or similar academic consequence by the teachers

All Students (K-12)	•	•		
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Offense: (44) Unauthorized use or display of cellular phones, PDAs, and other similar electronic devices

K-5 students	•	•	•	
	•			
6-12 students	•	•	•	

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<p>Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place</p>	<p>Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others</p>	<p>Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)</p>	<p>Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school</p>

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<p>Offense: (43) Unauthorized possession, use, and/or display of electronic devices Unauthorized possession, use, and/or display of electronic devices including, but not limited to, lighters, boom boxes, Walkman, light or laser pointers, or any item which does not have an educational purpose and is a potential threat to others or is potentially disruptive to others during the school day</p>				
K-5 students	•	•		
6-12 students	•	•		

Offense: (42) Inappropriate public displays of affection.				
K-5 students	•	•	•	
6-12 students	•	•	•	

Offense: (41) Eating and drinking outside lunchroom				
Eating or drinking outside of lunch periods or where prohibited.				
All Students (K-12)	•	•		

Offense: (40) Tardiness				
Tardiness to class or school.				
All Students (K-12)	•	•		

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (39) Unauthorized absence Unauthorized absence from school, including cutting classes, excluding truancy.				
K-5 students	•	•		
6-12 students	•	•		

Offense: (38) Dressing or grooming in a way that causes disruption or danger Dressing or grooming in a way that causes disruption or danger, by wearing accessories including, but not limited to, or by wearing items of an obscene nature, or by wearing items that state or depict matters of a vulgar or offensive nature.				
K-5 students	•	•		
6-12 students	•	•	•	

Offense: (37) Possession and/or use and/or sale and/or distribution of tobacco products and/or huffing substances Possession and/or use and/or sale and/or distribution of tobacco products (including e-cigarettes) and/or huffing substances (including, but not limited to, aerosol chemicals and inhalants) at school, in school vehicles or while at school functions. The prohibited substances will be confiscated.				
K-5 students		•	•	
6-12 students		•	•	•

Offense: (36) Repeatedly disruptive Repeatedly disruptive and/or substantially interferes with the teacher’s authority in class.				
K-5 students	•	•	•	•
6-12 students	•	•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (35) Disturbances outside of the classroom Disturbances outside of the classroom (e.g., lunchroom, recess).				
K-5 students	•	•	•	
6-12 students	•	•	•	•

Offense: (34) Insubordination

The refusal to follow the reasonable directive of a person in authority or the violation of this Code of Conduct or any other building or classroom rules, including refusing to identify oneself on request. Persons in authority include, but are not limited to, administrators, teachers, teaching assistants, teacher aides, secretaries, bus drivers, monitors, including bus monitors, custodians, cafeteria workers, and security employees.

All Students (K-12)	•	•	•	•
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Offense: (33) Possession of and/or showing and/or distribution of obscene material.

The prohibited substances will also be confiscated.

All Students (K-12)		•	•	•
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Offense: (32) Violation of computer use policy

K-5 students	•	•	•	
6-12 students		•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (31) Gambling		•	•	•
All Students (K-12)		•	•	•

Offense: (30) Verbal altercation, abusive and/or indecent language Verbal altercation, abusive and/or indecent language (including cursing or swearing) and/or indecent gestures directed at staff, students, or visitors on school grounds or at school functions.				
K-5 students	•	•	•	
6-12 students	•	•	•	•

Offense: (29) Disorderly conduct A person who, with intent to cause public inconvenience, annoyance, alarm, or to recklessly create a risk thereof, trespasses, obstructs, fails to disperse, or disrupts others.				
K-5 students		•	•	
6-12 students		•	•	•

Offense: (28) Lewd sexual behavior				
K-5 students	•	•	•	•
6-12 students		•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (27) Mental/Physical Endangerment Any mental/physical condition which endangers the health, safety, welfare, and/or morals of students and/or others.				
All Students (K-12)			•	•

Offense: (26) Unauthorized use of a cam-phone, PDA, or other electronic device capable of recording and/or sending an image, taking pictures and/or video recording and/or sending images while in school, on school property, in a district vehicle, or at a school function and/or in violation of privacy rights of others in school or at school activities.				
K-5 students		•	•	
6-12 students		•	•	•

Offense: (25) Trespassing on any school property or school function at any time or while suspended from school.				
All Students (K-12)			•	•

Offense: (24) Driving recklessly, speeding, failure to follow school crossing guard’s or traffic directives on school grounds, or parking in unauthorized areas.				
All Students (K-12)			•	•

Offense: (23) Leaving campus without authorization.				
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All Students (K-12)			•	•
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LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (22) Forgery or fraud				
All Students (K-12)		•	•	•

Offense: (21) Criminal offense Committing any criminal offense (misdemeanor, felony, etc.).				
All Students (K-12)			•	•

Offense: (20) Any violent act against a teacher, staff member, contractors, another student or person in the school, on school property, or at a school function as described in this code.				
All Students (K-12)			•	•

Offense: (19) Use, Possession, or Sale of Alcohol Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person and not reporting it to a teacher or administrator.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (18) Use, Possession, or Sale of Drugs Using and/or possessing and/or sale and/or distribution of a controlled substance, such as marijuana, opioids, prescription medication on school property, including having such substance on a person or in a locker, vehicle, or other personal space; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.				
All Students (K-12)			•	•

Offense (17): Weapons Possession Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school. Possession of a pocketknife of less than 2.5 inches should generally be handled as a Level 2 or Level 3 offense. Possession of the following weapons require a Level 4 response: firearm, including, but not limited to, rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun; switchblade knife, gravity knife, pilum knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; billy club, blackjack, bludgeon, chukka stick, or metal knuckles, sandbag or sandclub, sling shot or slungshot; martial arts instrument including, but not limited to, a kung fu star, ninja star, ninchuck, or shirken; an explosive including, but not limited to, a firecracker or other fireworks; a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument. For weapons under the Gun Free Schools Act, the suspension shall be for at least one year, subject to the ability of the Superintendent to reduce the suspension.				
All Students (K-12)		•	•	•

Offense: (16) Riot Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.				
All Students (K-12)				•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (15) False Alarm Pulling a Fire Alarm fire alarm or other disaster alarm when there is no threat.				
K-5 students			•	•
6-12 students				•

Offense: (14) Bomb Threat A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.				
All Students (K-12)				•

Offense: (13) Larceny or Other Theft Offenses Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.				
All Students (K-12)			•	•

Offense: (12) Criminal Mischief Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.				
All Students (K-12)		•	•	•

Offense: (11) Burglary Entering school property with intent to commit a crime.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVE L 1	LEVE L 2	LEVE L 3	LEVE L 4
Offense: (10) Intimidation, Harassment, Menacing, or Bullying Behavior and Not Physical Contact threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal, written or electronic means of communication or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, sex, gender, sexual orientation, age, weight or disability				
K-5 students	•	•	•	•
6-12 students		•	•	•

Offense: (9) Minor Altercations Involves physical contact, but no physical injury. Striking, shoving or kicking another person or subjecting another person to unwanted and/or unprovoked physical contact with the intent to harass, annoy, or alarm another person, but no physical injury results.				
All Students (K-12)		•	•	•

<p>Offense: (8) Reckless Endangerment Subjecting individuals to danger by recklessly engaging in conduct that creates a substantial risk of physical injury, but not actual physical injury. Threat and/or possession and/or use and/or sale and/or distribution of a potentially dangerous object - a potentially dangerous object including, but not limited to, a motor vehicle, broken glass, explosive devices, fireworks, and any article or substance which, under the circumstances of threatened use, attempted use, or use, is readily capable of causing death or serious bodily injury on school grounds or at school functions.</p>				
All Students (K-12)				•

<p>Offense: (7) Assault with Physical Injury Intentionally or recklessly causing physical injury (not serious) to another person including, but not limited to, innocent bystanders, with or without a weapon, in violation of the District’s Code of Conduct. Physical injury means impairment of physical condition or substantial pain.</p>				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<p>Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place</p>	<p>Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others</p>	<p>Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)</p>	<p>Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school</p>

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<p>Offense: (6) Kidnapping To abduct a person so as to restrain such person with intent to prevent his or her liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found; or (b) using or threatening to use deadly physical force with or without a weapon.</p>				
All Students (K-12)				•

Offense: (5) Arson Deliberately starting a fire with intent to destroy property.				
All Students (K-12)				•

Offense: (4) Assault with Serious Physical Injury Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the District’s Code of Conduct. “Serious physical injury” means physical injury which creates a substantial risk of death, or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement.				
All Students (K-12)				•

Offense: (3) Robbery Forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.				
All Students (K-12)		•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	Level 3: Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Offense: (2.2) Other Sexual Offenses involving inappropriate sexual contact but no forcible compulsion.				
All Students (K-12)		•	•	•

Offense: (2.1) Forcible Sex Offense: Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with or without weapons, including, but not limited to, rape and sodomy				
All Students (K-12)				•

Offense (1): Homicide Any conduct that results in the death of another person.				
All Students (K-12)				•

THE PREVIOUS LISTINGS ARE NOT INTENDED TO BE ALL-INCLUSIVE. THE ADMINISTRATION RESERVES THE RIGHT TO IMPLEMENT DISCIPLINARY ACTION FOR INCIDENTS NOT SPECIFICALLY IDENTIFIED ABOVE. STUDENTS WHO ENGAGE IN BEHAVIOR DETERMINED TO BE INAPPROPRIATE AND/OR DISRUPTIVE TO THE SCHOOL ENVIRONMENT WILL BE SUBJECT TO DISCIPLINARY CONSEQUENCES.

THE REPEATING OF AN INCIDENT OF MISCONDUCT MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINARY CONSEQUENCE. CHRONIC REPEATING OF INCIDENTS OF MISCONDUCT MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).

Student Exclusion Procedures – Imposition of Penalties

The following chart is meant as a reference to help delineate which staff members may impose which penalties for violations of the Code of Conduct:

	All Staff	Bus Drivers	Monitors/ Aides/Teaching Assistant	Coaches /Activity Sponsors	Teachers	Assistant Principal	Principal	Superintendent	Board of Education
Oral Warning / Admonition	X	X	X	X	X	X	X	X	
Written Warning		X	X	X	X	X	X	X	
Written Notification to Parent/Guardian		X	X	X	X	X	X	X	
Detention					X	X	X	X	
Suspension from Transportation						X	X	X	
Suspension from Athletic Participation				X		X	X	X	
Suspension from Social or Extracurricular Activities				X		X	X	X	
Suspension of Other Privileges						X	X	X	
In School Suspension							X	X	
Removal From Classroom					X				
Short Term Suspension							X	X	X
Long Term Suspension							X	X	X
Permanent Suspension							X	X	X

Poughkeepsie City School District Code of Conduct

PLEASE SIGN AND RETURN BY THE CLOSE OF SCHOOL FRIDAY.

Please take the time to review the contents of this handbook and Code of Conduct with your child. We are committed to maintaining high standards of education for students in our schools, and encourage you to call us if you have any questions

My signature below indicates that I am in receipt of this Parent/Student Handbook which includes the Poughkeepsie City School District Code of Conduct.

Parent/Guardian Signature

Date