

# **POUGHKEEPSIE CITY SCHOOL DISTRICT**



## **PROJECT SAVE CODE OF CONDUCT**

2023-2024

# **POUGHKEEPSIE CITY SCHOOL DISTRICT**

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# **POUGHKEEPSIE CITY SCHOOL DISTRICT**

## **CODE OF CONDUCT**

### **INTRODUCTION**

The Poughkeepsie City School District is committed to maintaining high standards and expectations for the education of all students. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to maintaining high standards and expectations for behavior. A safe, orderly academic environment is the shared responsibility among school, home, and community, and it requires all stakeholders to uphold and adhere to clearly defined disciplinary options and responses.

Section 100.2 of the Regulations of the Commissioner of Education requires that each school district adopt a written policy on school conduct and discipline “designed to promote responsible student behavior.” The requirements, both as to the content and the procedure for adopting District policy are quite specific, and are outlined below.

- A discipline Code for student behavior, along with a range of consequences, will be publicized and explained to all students and provided to all parents on an annual basis. The school conduct and discipline policy “shall be developed locally in consultation with teachers, administration, other school service professionals, students and parents.”
- The policy must include “a bill of rights and responsibilities for students which focuses on positive student behavior.” Reference should be made to those rights that are statutory, such as the right to a hearing prior to suspension, pursuant to Education Law §3214.
- The roles of the teachers, administrators, Board of Education members, and parents must be described to all students and provided in writing to all parents on an annual basis.
- Procedures within each building to involve appropriate individuals in the early identification and resolution of discipline problems.
- The identification of alternative educational programs appropriate to individual student needs and guidelines for in-service education for District staff.
- The District’s policy and rules and regulations on school conduct and discipline shall be filed in each school building and shall be available to any individual.

In addition, the District believes that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual, as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- protect every person's right to a fair hearing;
- identify due process rights for a student accused of misconduct;
- 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.

The Poughkeepsie City School District's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful, and caring citizens within the school and community settings. This Code of Conduct applies to all students, staff, and visitors during and after school, on school grounds, on buses provided to and from school or activities, during school- sponsored events, (such as but not limited to proms and field trips), and at bus stops. It also provides guidance relative to inappropriate electronic communication.

## **ESSENTIAL PARTNERS**

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 students. The Superintendent is responsible for developing regulations, which are to be enforced by building and District administration and staff.

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.

### **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. 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.
8. 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.
9. School Newspapers: Participation in the process of publishing school newspapers affords students an opportunity to learn how to report the news events of the school as well as the sincere expression of all facets of student opinion. Any student newspapers and/or publications which are paid for by the district and/or produced under the direction of a teacher as part of the school curriculums are not considered a

public forum. The following are guidelines for curricular school newspapers and other school newspapers:

**Curricular School Newspapers:** Any school-sponsored newspaper which is part of the adopted English or Journalism curriculum shall be under the direction of an official advisor who shall exercise editorial control over style and content of student speech within the context of legitimate pedagogical concerns and responsible journalism.

All materials shall be subject to prior review by the official advisor and by the Building Principal. Their decisions regarding production and publication shall be made within two (2) days.

Either the advisor to such school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education, may prohibit the publication of curricular school newspaper materials which are found to:

- be inappropriate (e.g., ungrammatical, poorly written, writing which is inadequately researched, biased, prejudiced, obscene, vulgar, profane or libelous)
- be unsuitable for the level of maturity of the intended audience(s)
- substantially disrupt the work of the school
- impinge upon privacy rights of other students or their families or social relations
- advocate conduct inconsistent with shared values of civilized social order(e.g., materials which promote drug or alcohol use, dangerous behavior, etc.)
- associate the school with any position other than neutrality on matters of political controversy or religion; and/or erroneously attribute the views of the individual author to the school

*Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in such school newspaper, the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) days of the initial decision to prohibit such publication.*

**Other School Newspapers:** The following guidelines shall apply to materials published in our school newspaper(s) which are not part of the adopted English or Journalism curriculum:

- All materials shall be subject to prior review by the official advisor of each school newspaper and by the Principal of the building where the newspaper is published. Their decision regarding publication shall be made within two (2) days.
- Either the advisor to the school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education, may prohibit the publication of school newspaper materials or articles to the extent that they:
- clearly endanger the health, safety or welfare of students
- imminently threaten to disrupt the educational process of the school
- constitute material which is libelous or obscene
- threaten any person or group in the school or advocate discrimination on the basis of disability, sexual orientation, genetic predisposition, carrier status, race, religion, age, sex, marital status or national origin

*Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in the school newspaper(s), the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) days of the initial decision to prohibit such publication.*

*Non-School Publication and Materials: Publications or materials other than the official school newspaper(s) may be distributed by students at locations beyond the limits of the school grounds and on occasions other than at school-sponsored activities without the authorization of school officials.*

## **DRIVING AND PARKING PRIVILEGES FOR STUDENTS**

Students may drive to and park at school if their application for permit is approved by the administration. Applications, available in the assistant principal's office, require a valid New York State driver's license, current registration and insurance identification card, and parental permission.

### **Driving Rules:**

- a. Car trouble is not a legal excuse for lateness or absence from class or school.
- b. Park in the student parking lot located by the football field.
- c. Display the permit sticker on the rear view mirror.

Any vehicle without a permit will be towed at the owner's expense. Any violation of student driving regulations may result in suspension from school, suspension of drive and park privileges, and/ or notification of police.

## **RESPONSIBILITIES OF STUDENTS**

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

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- To attend school every day possible and on a punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;
- To respect school property, e.g. lockers, and help to keep it free from damage;
- To obey school regulations and rules made by school authorities and by the student governing body;
- 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;
- To contribute toward establishing and maintaining an atmosphere that generates mutual respect

and dignity for all;

- To become familiar with this code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report the incidents to the school staff; and
- 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.

### **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:

1. To develop a relationship between parent and teacher, child and teacher.
2. To show an enthusiastic and supportive attitude toward school and education, that encourages high academic goals
3. To build a good working relationship between themselves and their child, and their child and school staff;
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.

### **THE ROLE OF TEACHERS**

Every teacher knows that s/he works everyday 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 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; Know the support services available to students and refer students who are in need of such services;
20. Comply with state education law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting;
21. In the event of removal from class, inform the student and the Principal of the reason for the removal;
22. Immediately report and refer violent students to the Principal or superintendent of schools;
23. 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;
24. Address personal biases that may prevent equal treatment of all students and staff; and
25. 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.

## **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.

### **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. Demonstrate desirable standards of behavior through personal examples.

### **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.

### **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;

### **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 examples.

### **ROLE/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.

### **VISITOR PROCEDURES'**

The district recognizes that a safe and secure environment is necessary for the successful implementation of the school program. Since our schools and the Central Office are places of work and learning, a procedure must be established for all visitors.

The building administrator or designee is responsible for all persons in the building and on the grounds. Any person who is not a District employee or student of the school is considered a visitor.

Visitors who desire to visit a school or central office must have an appointment or shall do so only with the permission of the appropriate administrative staff member. Appointments must be made in order to volunteer in a classroom, to discuss concerns with a teacher or school counselor, or to meet with any other school personnel.

The following procedure applies to each visitor, every time they visit our schools and central office when school is in session:

- a. All visitors to the schools or central office must enter and exit through the designated single point of entry/exit - the main entrance.
- b. In order to be buzzed into the building, the visitor should:
  1. Show a photo ID
  2. Identify the purpose of their visit, including with whom they have a scheduled appointment. (Pre-verification list of visitors be provided to the greeter)
- c. Upon being granted entry, the visitor must report directly to the building greeter and show photo identification.
- d. Provided the visitor has an appointment, the greeter will sign the visitor in on the visitor log and issue a visitor badge. The badge must be worn and displayed at all times while in the school or on school grounds. Visitors are only permitted in the area of their appointment.
- e. When possible, the visitor will be escorted to the permitted area of their appointment.

- f. When the visit is complete, the visitor must return the visitor badge to the greeter at the main entrance and exit the building. Visitors should not use other exit doors unless there is an emergency in the building requiring evacuation.
- g. Any person needing to drop items off for a student or staff member should leave the item in the main lobby with the greeter. It is not necessary to permit the person into the building and register them as a visitor.

The Superintendent of Schools, or designee along with building level administrators may refuse any individual or group access to the schools when the stated purpose is judged to be unreasonable, disruptive, or not in the best interest of the students.

The building administrator or designee is authorized to take any action necessary to secure the safety of students and school personnel.

Unauthorized visitors shall be required to leave school premises immediately and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse. All visitors are expected to abide by the rules for public conduct on school property contained in the District Code of Conduct. Any visitor who does not abide by the District Code of Conduct will be considered an unauthorized person and will be required to leave.

## **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.

### **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 the 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 of Conduct 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 prosocial 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 prosocial strategies and skills to use in the future; and
- Understand the progression of more stringent consequences if the behavior reoccurs.

**Concurrent Support and Disciplinary  
Response to Misconduct**

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.

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</p> <p>The student's home school is established to ensure academic progress and a successful transition upon return.</p>	<p><b>Long-Term Superintendent's Suspension</b></p> <ul style="list-style-type: none"> <li>• Permanent suspension/expulsion</li> <li>• One school year suspension without review for early reinstatement</li> <li>• One school year suspension with review at 90 and 135 days</li> <li>• Suspension for 60-90 school days with review every 30 school days</li> <li>• Suspension for 30-59 school days with review at 30 school days for suspensions of 39 or more school days</li> <li>• Suspension for 11-29 school days</li> <li>• Suspension for 6-10 school days</li> </ul> <p><b>Teacher Removal or Principal's Suspension</b></p> <ul style="list-style-type: none"> <li>• Principal's suspension (up to 5 school days)</li> <li>• Removal from classroom by teacher</li> </ul> <p><b>Range of In-School Disciplinary Response(s)</b></p> <ul style="list-style-type: none"> <li>• Formal restorative conference</li> <li>• Individual behavior contract</li> <li>• Short-term progress reports</li> <li>• Referral to Pupil Personnel Team (PPT)</li> <li>• Supervisor's conference with student</li> <li>• In-school disciplinary action (e.g., detention, in-school suspension)</li> <li>• Parent conference</li> <li>• Student/teacher conference</li> <li>• Administrator/parent and student conference</li> <li>• Administrator meeting with student to address wrongdoing and its consequences</li> </ul>
<p style="text-align: center;"><u>Range of Supports and Intervention Options</u></p> <ul style="list-style-type: none"> <li>• Teacher conference/classroom observation</li> <li>• Peer mediation; conflict resolution</li> <li>• Restorative practices (e.g., circle or formal restorative conference)</li> <li>• Assignment of a mentor/coach</li> <li>• Guidance lessons in classrooms</li> <li>• Social-emotional learning</li> <li>• Individual behavioral contract or progress reports</li> <li>• Collaborative problem solving</li> <li>• Referral to Student Support Team (PPT)- when available</li> <li>• Parent Contact, including:               <ol style="list-style-type: none"> <li>1. Guidance conference</li> <li>2. Individual and/or small group counseling</li> <li>3. Referral to school nurse or school-based health clinic or external health care provider</li> <li>4. Referral for academic support services</li> <li>5. Referral to external mental health counseling provider or community based organization</li> <li>6. Referral to counseling for bullying, intimidation or harassment</li> <li>7. Referral to counseling for youth relationship abuse or sexual violence</li> <li>8. Referral to substance abuse counseling</li> <li>9. Referral to attendance teacher/coordinator</li> <li>10. Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) for students with special needs</li> <li>11. School counselor and/or other support staff and/or administrator/student conference</li> </ol> </li> </ul>	
<p style="text-align: center;"><b>Initial Response(s)</b></p> <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**

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.

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.

## LEVELS OF INTERVENTIONS AND RESPONSES

### Examples of Level 1 Classroom Interventions and Responses

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.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Establish relationships with students</li> <li>• Contact parent via telephone, e-mail or text message</li> <li>• Verbal correction</li> <li>• Reminders and redirection (e.g. role play)</li> <li>• Written reflection</li> <li>• Parent/guardian conference</li> <li>• Seat change</li> <li>• Parents/guardians accompany students to school.</li> </ul> | <ul style="list-style-type: none"> <li>• Daily progress sheet on behavior</li> <li>• In-class time out</li> <li>• Establish a buddy teacher system.</li> <li>• Loss of classroom privileges</li> <li>• Letter of apology</li> <li>• Student conference with teacher</li> </ul> |
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### Examples of Level 1 Student Support Team Interventions and Responses

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.

- 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

### Examples of Level 2 Administrative Interventions and Responses

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.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Change in schedule or class</li> <li>• Loss of privilege</li> <li>• Reprimand by appropriate administrator</li> <li>• Community conferencing</li> <li>• Parent/guardian notification</li> <li>• Restitution</li> <li>• Referral to Student Support Team (SST) for consideration of intervention</li> <li>• Assignment of work projects</li> <li>• Detention</li> <li>• Restorative justice strategies, including school and community service</li> </ul> | <ul style="list-style-type: none"> <li>• Mentoring</li> <li>• Conflict resolution</li> <li>• Revision to IEP (for students with disabilities) after CSE meeting</li> <li>• FBA/BIP* For Students with disabilities</li> <li>• Removal from the classroom.</li> <li>• Suspension from computer/technology in accordance with the acceptable use policy</li> <li>• Peer mediation</li> <li>• Mediation with offender and victim with the support of the psychologist or social worker</li> </ul> |
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**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**

<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
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**\*\*\* WHENEVER AN OFFENSE HAS A VICTIM, AN ADMINISTRATOR SHOULD CONSIDER WHETHER A FEDERAL REFERRAL FOR BULLYING OR HARASSMENT SHOULD BE MADE\*\*\***

<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (46) Disturbances which disrupt instruction.</b> Any continued disruption which interferes with the teaching and learning process				
All Students (K-12)	•	•	•	
<b>Offense: (45) Cheating</b> 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)	•	•		
<b>Offense: (44) Unauthorized use or display of cellular phones, PDAs, and other similar electronic devices</b>				
K-5 students	•  •	•	•	
6-12 students	•	•	•	

LEVEL 1	LEVEL 2	LEVEL 3		LEVEL 4	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> 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: (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					
K-5 students		•	•		
6-12 students		•	•		
Offense: (42) Inappropriate public displays of affection.					
K-5 students		•	•	•	
6-12 students		•	•	•	

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
<b>Offense: (40) Tardiness</b> Tardiness to class or school.			
All Students (K-12)	•	•	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>
<b>Offense: (39) Unauthorized absence</b> Unauthorized absence from school, including cutting classes, excluding truancy.			
K-5 students	•	•	
6-12 students	•	•	
<b>Offense: (38) Dressing or grooming in a way that causes disruption or danger</b> 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	•	•	•
<b>Offense: (37) Possession and/or use and/or sale and/or distribution of tobacco products and/or huffing substances</b> 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		•	•
<b>Offense: (36) Repeatedly disruptive</b> 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	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>		<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (35) Disturbances outside of the classroom</b> Disturbances outside of the classroom (e.g., lunchroom, recess).					
K-5 students		•	•	•	
6-12 students		•	•	•	•
<b>Offense: (34) Insubordination</b> 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)		•	•	•	•
<b>Offense: (33) Possession of and/or showing and/or distribution of obscene material.</b> The prohibited substances will also be confiscated.					
All Students (K-12)			•	•	•
<b>Offense: (32) Violation of computer use policy</b>					
K-5 students		•	•	•	
6-12 students			•	•	•

LEVEL 1	LEVEL 2	LEVEL 3		LEVEL 4	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>		<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (31) Gambling</b>					
All Students (K-12)			•	•	•
<b>Offense: (30) Verbal altercation, abusive and/or indecent language</b> 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		•	•	•	•
<b>Offense: (29) Disorderly conduct</b> 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			•	•	•
<b>Offense: (28) Lewd sexual behavior</b>					
K-5 students		•	•	•	•
6-12 students			•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4		
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school		
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>		<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (27) Mental/Physical Endangerment</b> Any mental/physical condition which endangers the health, safety, welfare, and/or morals of students and/or others.					
All Students (K-12)				•	•
<b>Offense: (26)</b> 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			•	•	•
<b>Offense: (25)</b> Trespassing on any school property or school function at any time or while suspended from school.					
All Students (K-12)				•	•
<b>Offense: (24)</b> Driving recklessly, speeding, failure to follow school crossing guard or traffic directives on school grounds, or parking in unauthorized areas.					
All Students (K-12)				•	•
<b>Offense: (23)</b> Leaving campus without authorization.					
All Students (K-12)				•	•

LEVEL 1	LEVEL 2	LEVEL 3		LEVEL 4	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>		<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (22)</b> Forgery or fraud					
All Students (K-12)			•	•	•
<b>Offense: (21)</b> Criminal offense Committing any criminal offense (misdemeanor, felony, etc.).					
All Students (K-12)				•	•
<b>Offense: (20)</b> 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)				•	•
<b>Offense: (19) Use, Possession, or Sale of Alcohol</b> 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
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (18) Use, Possession, or Sale of Drugs</b> 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)			•	•
<b>Offense (17): Weapons Possession</b> 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 slingshot; martial arts instrument including, but not limited to, a kung fu star, ninja star, nunchuck, 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)		•	•	•
<b>Offense: (16) Riot</b> 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	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>		<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (15) False Alarm</b> Pulling a Fire Alarm fire alarm or other disaster alarm when there is no threat.					
K-5 students				•	•
6-12 students					•
<b>Offense: (14) Bomb Threat</b> A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.					
All Students (K-12)					•
<b>Offense: (13) Larceny or Other Theft Offenses</b> 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)				•	•
<b>Offense: (12) Criminal Mischief</b> 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)			•	•	•
<b>Offense: (11) Burglary</b> Entering school property with intent to commit a crime.					
All Students (K-12)				•	•

LEVEL 1	LEVEL 2	LEVEL 3		LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (10) Intimidation, Harassment, Menacing, or Bullying Behavior and Not Physical Contact</b> 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		•	•	•
<b>Offense: (9) Physical Altercations</b> 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)		•	•	•
<b>Offense: (7) Assault with Physical Injury</b> 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.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3		LEVEL 4	
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school	
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>	
<b>Offense: (6) Kidnapping</b> 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.					
All Students (K-12)				•	
<b>Offense: (8) Reckless Endangerment</b> 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.					
All Students (K-12)				•	
<b>Offense: (4) Assault with Serious Physical Injury</b> 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)				•	
<b>Offense: (5) Arson</b> Deliberately starting a fire with intent to destroy property.					
All Students (K-12)				•	
<b>Offense: (3) Robbery</b> 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
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> 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	<b>Level 3:</b> 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)		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Offense: (2.2) Other Sexual Offenses</b> involving inappropriate sexual contact but no forcible compulsion.				
All Students (K-12)		•	•	•
<b>Offense: (2.1) Forcible Sex Offense:</b> 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)				•
<b>Offense (1): Homicide</b> 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).

## **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 officers 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.

## 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

### **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.

### **GANG RELATED ACTIVITY**

The Poughkeepsie City School District strictly prohibits all activities related to gangs and other organizations that engage in unlawful or delinquent behavior and provides support for students affected by gang activity. A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. A prohibited gang is a formal or informal organization, association, or group consisting of three or more persons who engage in activities that threaten the safety of students, staff, volunteers, visitors or others, who compromise the general school order or its activities, and/or who interfere with the school district's education mission. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics and engaging in conduct compromising the school order and safety of others.

Gang-Related Activities are acts by a group of students or an individual student representing the group, which are reasonably expected to cause danger/disruption to the school environment and/or threaten the safety of students, faculty, or other employees of the school system when there has been a recent history of violent and/or disruptive gang-related prohibited activities in the school community. Behavior includes, but is not limited to:

- displaying gang signs and symbols on personal and school property
- wearing clothing that symbolizes gang affiliation (such as but not limited to shirts, hats, bandanas, hoodies, belts, jewelry)
- displaying gang hand-signs, tattoos / brands, which symbolize gang affiliation
- defacing school property with gang graffiti (such as but not limited to furniture, walls, buses, buildings, and structures)
- the use of electronic devices (such as but not limited to computers, cellular phones, camera/video phones, video cameras, camcorders, MP3 players) for the purpose of documenting, disseminating, transmitting gang activity, threats, and/or planned violent behavior is prohibited
- any act of violence which includes, but is not limited to gang recruitment, intimidation, and premeditated/planned school disturbances, that may place students, faculty, and staff in reasonable fear of receiving bodily injury is considered a violation of the Code of Conduct

A student who participates in prohibited gang-related behavior, may be disciplined in accordance with New York State Education Law 3214. In addition, the student will be referred to mandatory gang prevention counseling. Parents, law enforcement and other appropriate persons will be notified any time a student is suspected of being involved in prohibited gang related activity. Students who feel bullied, threatened or unsafe at school because of gang activity should report their concerns to a teacher, counselor, principal/assistant principal, or the City of Poughkeepsie police. Students who want to leave a gang should contact a principal or a staff member who they trust for guidance and support services. The school or school district may provide students and parents with information on community organizations that assist students in leaving gangs.

### **HARASSMENT AND INTIMIDATION**

The Board of Education is committed to providing a safe and productive learning environment within the District. Harassment and intimidation of or by students, faculty staff, or visitors are strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus.

#### *Faculty and Staff*

Personnel at all levels are responsible for maintaining a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender (identity or expression) or sex, which will strengthen students' self-concept and promote confidence to learn. Any school employee who witnesses harassment, bullying or discrimination, or receives an oral or written report of harassment, bullying or discrimination, shall promptly orally notify the principal or Superintendent, or their designees, not later than one (1) school day after the employee witnesses or receives such report; and shall file a written report with the principal or Superintendent, or their designees, within two (2) school days after making such oral report.

#### *Bullying Behavior*

Bullying of a student by another student is inappropriate and can be considered harassment. Bullying involves a real or perceived imbalance of power, with a seemingly more powerful student or group attacking a seemingly less powerful student or group.

Bullying can take several forms such as:

- Physical (including, but not limited to hitting, kicking, spitting, pushing, taking personal belongings) ·
- Verbal (including, but not limited to taunting, malicious teasing, name calling, making threats)
- Psychological (including, but not limited to spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)
- Electronic (including but not limited to the use of cyber tools to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone)

Bullying is characterized by:

- Power Imbalance: A bully uses his/her physical or social power over a target.
- Intent to Harm: A bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.

- Threat of Further Aggression: The bully and the target believe the bullying will continue.
- Terror: The bullying increases and becomes “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied, & The Bystander*, 2003)

All types of bullying behaviors are violations of the Code of Conduct and shall be dealt with immediately with appropriate discipline. Persistent psychological bullying can easily become harassment and as such may be considered for disciplinary action.

It is important to note that a single negative act as enumerated above may also constitute "bullying" based upon the particular circumstances such as the seriousness of the act and/or the intent of the perpetrator.

Students are encouraged to immediately report any act of bullying to a staff member. The building administration shall investigate any such complaint and take appropriate action. Such action may include disciplinary action and/or referral to school counselors. Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior as set forth.

Prevention, intervention, and aftercare initiatives at the District, building, and classroom levels will be implemented as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims, and their parents to help ensure that the bullying behaviors and victimization stops.

#### *Cyber Bullying:*

Cyber bullying is the use of cyber tools and informational technology such as social media, e-mail, blogging, instant messaging, text messaging, chat rooms, pagers, or cell phones to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone. Cyber bullying can include such acts as making threats, sending provocative insults that contain racial or ethnic slurs, gay bashing, or making other inappropriate comments. It might also include attempting to infect the victim's computer with a virus or flooding an email inbox with nonsense messages. Cyber bullying can be disruptive to the academic environment even though it may originate from a personal computer off of school grounds and beyond the school day. Cyber bullying is prohibited behavior that may warrant an appropriate school consequence. Some cyber bullying may be considered cyber-harassment or cyberstalking which may be serious crimes. In some cases, it may be necessary to inform the local police department. In conjunction with building administration, all School Social Workers, IST Chairs, and School Psychologists will be designated to receive reports and to investigate incidents of bullying.

### **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.

### **PROHIBITED STUDENT CONDUCT AND CODE INFRACTIONS**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. 17 District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

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

The Dignity Act prohibits discrimination and harassment of students on school property by any student or employee. Harassment (including harassment using interactive and communication technologies) that takes place at locations outside of school grounds that causes or can be reasonably forecast to substantially disrupt the educational process or school environment is prohibited and potentially may be subject to disciplinary consequences.

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

- Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
- Running in hallways
- Making unreasonable noise
- Using language or gestures that are profane, lewd, vulgar or obscene or promote violence or unlawful activity
- Obstructing vehicular or pedestrian traffic
- Engaging in any willful act, which disrupts the normal operation of the school community
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Computer/electronic communications misuse, including any unauthorized use of computers, software, or Internet/intranet account accessing inappropriate websites; or any other violation of the district's acceptable use policy
- Unauthorized posting of activities on the Internet
- Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:

- failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students
- lateness, missing or leaving school without permission or authorization
- skipping assigned detention
- failure to park in designated spaces in the student parking lot
- failing to comply with the provisions of the District's Code of Conduct
- Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
  - failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students
  - actions that significantly break the continuity of instruction
  - actions that disrupt orderly school operations
- Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
  - committing an act of violence (such as hitting, kicking, punching, biting, spitting and scratching) upon anyone on school grounds or at a school activity, whether on or off school grounds
  - possessing a weapon in school, ammunition (i.e. bullets, BB's and the like), on school property or at a school activity, whether on or off school grounds. Authorized on duty law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
  - displaying what appears to be a weapon
  - threatening to use any weapon
  - intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including creating graffiti or committing an act of arson.
  - intentionally damaging or destroying school district property
- Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
  - lying to school personnel that causes or could cause detriment to persons or property stealing the property of other students, school personnel or any other person on school property or attending a school function
  - defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them
  - discrimination, which includes the use of race, color, creed, national origin, religion, gender, marital status, genetic predisposition, carrier status, sexual orientation or disability as a basis for treating another in a negative manner
  - harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, annoying, alarming, or demeaning
  - intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm, such as bullying

- hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team selling, using or possessing lewd and/or vulgar and/or obscene material
- using vulgar or obscene language, cursing or swearing
- smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco or electronic cigarette
- possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either "Illegal substances", which include, but are not limited to, inhalants, marijuana, synthetic marijuana, cbd products, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- using devices such as hoverboards<sup>5</sup>, skate boards, scooters of any type, radios, boom boxes, headsets, beepers, electronic games are disruptions to the learning process and these items are prohibited in school. All such equipment will be confiscated and held until a parent comes in to pick it up, or until the end of the school year.
- the use of (except in the case of an emergency) cell phones, cam- phones and any other electronic communications device. Such devices must be kept out of sight and turned off by students during the day, except when used with the teacher's prior permission.
- inappropriately using or sharing prescription and over-the- counter drugs in violation of the District's policy on the administration of medication or medications
- gambling
- indecent exposure or threatening indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner inappropriate public displays of affection beyond hand holding (kissing and groping, for example)
- initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, pulling a fire alarm or discharging a fire extinguisher
- Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district owned or district contracted buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards as set out in the Code of Conduct.
- Planning and/or promoting disruption of the academic environment
- Engage in any form of academic misconduct. Examples of academic misconduct include:
  - Plagiarism, the practice of taking someone else's work or ideas and passing them off as one's own.
  - Cheating, act dishonestly or unfairly in order to gain an advantage, especially in a game or examination.
  - Copying, to make a similar or identical version of.
  - Altering records, change or cause to change without valid permission
  - Assisting another student in any of the above actions

The following categories are additions to or clarification of prohibited conduct.

### **BUS SAFETY AND CONDUCT**

Inappropriate behavior on a bus is any behavior that disrupts or distracts a bus driver, causes a dangerous situation for a bus driver and/or students, disturbs the orderly operation of a bus, or creates a dangerous situation

for vehicles operating near a bus. Included in prohibited bus behaviors are standing, eating on the bus, use of any electronic devices during the operation of a school bus, including but not limited to: cell phones, pagers, audible radios, MP3's, tape recorders, compact disc players, or similar devices without headphones, or any other electronic device such as but not limited to lasers, flashes, cameras, reflective devices, or any other lights in a manner that might interfere with the school bus driver's operation of the school bus, communications equipment, or the use of mirrors. If a student engages in acts of physical violence on the school bus, the student will be subject to the penalties set forth for that misbehavior in this Code of Conduct. In addition, if a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, the student's parents or guardian must meet with the student's principal or designee to form a school bus behavior contract for the student. The contract shall provide progressive age-appropriate discipline, penalties, and restrictions for student misbehavior on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus.

### **BYSTANDER MISCONDUCT**

Bystanders engage in misconduct when they do not initiate or directly participate in prohibited conduct; but rather by their action and/or inaction they allow damage or injury which could have been prevented and/or encourage prohibited conduct. For example, a student or staff person engages in bystander misconduct when, although they do not initiate or directly participate in misconduct or an altercation with another person, they watch and/or objectively allow, electronically record for the purposes of promoting the event, and/or share, or promote a preventable incident or conflict to take place or continue by failing to take action to immediately seek help and/or intervention from school employees and/or authorities and/or through their words or actions they encourage participant(s) in misconduct to engage in or to continue the conduct. Students and or employees who are found to be wrongful bystanders may be subject to discipline in accordance with this Code of Conduct and applicable law and collective bargaining provisions.

### **CELL PHONES & OTHER PERSONAL ELECTRONIC COMMUNICATION DEVICES**

The District recognizes that there are personal electronic devices that have educational applications such as calculators, voice records, digital cameras, and musical listening devices. In some instances a "smart phone" may include applications that permit these functions. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under the direction of a teacher. The District acknowledges that cellular phones, pagers and 2-way communication systems can be a positive means to facilitate communication; however, display and/or use of such devices can cause disruption to the educational process. Therefore to prevent such disruption, the display and/or use by students of cellular phones (including "smart phones"), pagers, 2-way communication systems other electronic devices, and/or their accessories shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The District is not responsible for stolen, lost or damaged personal electronic devices. The use of the camera and audio recording functions of a personal electronic device is strictly prohibited. The use of such devices during class, when not specifically permitted by the teacher, will be considered cheating, and a grade of zero will be issued for that day's class activity (such as class work, quiz or examination). Unauthorized posting of activities on the internet is prohibited. Use of Cell phones and other personal electronic communication devices not in accord with this policy shall result in the confiscation of the device. Upon the first offense, item(s) will be returned at the end of the day. Upon subsequent offenses, confiscated items will only be returned directly to parents. Consequences for continued offenses will include detention(s) and/or suspension(s). All unclaimed confiscated items will be discarded by June 30th of the current year.

In no event shall any individual take photographs or make a record in a location where an individual has a

reasonable expectation of privacy, including but not limited to locker rooms, lavatories, and nurse's offices. In addition, viewing, sending or sharing pictures or text having sexual content (sexting) in school, or at school activities, or from off-campus sites is prohibited. In emergency situations, exceptions to the prohibition of the use of cellular phones and other personal electronic devices may be granted by teachers or administrators. Cellular Phones and State Assessments: In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during state assessments. Test proctors, monitors, and school officials shall have the right to collect cell phones and other prohibited devices prior to the start of the assessment and hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it. Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

**The District will not be liable and as such will not pay for, reimburse or provide a replacement for any lost or stolen communication or electronic device(s).**

**The District will not disrupt the instructional day to search for, allow the searching for or make announcements regarding lost or stolen communication or electronic device(s).**

### **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

## **DRESS CODE**

The district recognizes that a person's choice of clothing is an extension of self-expression and that diversity of self-expression is an asset to any productive learning environment. Choice of clothing is also often closely related to an individual's physical and emotional comfort. It is necessary to enforce some restrictions on student dress for the purpose of student safety and to promote a focused learning environment.

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. All personnel should, in their own appearance, exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The dress code will be enforced equitably for all students.

Nothing in this policy shall be construed to either limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

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

- be safe, appropriate, and not disrupt or interfere with the educational process
- length of shirts/tops must meet the tops of pants
- shirts and dresses must have fabric in the front and on the sides
- ensure that any dress or appearance does not allow sight of any undergarments.
- not include the wearing of hats in the classroom except for a medical or religious purpose
- not include items that are vulgar, obscene, libelous, or denigrate others on account of marital status, genetic predisposition, carrier status, race, color, religion, creed, national origin, gender, sexual orientation or disability
- not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building administrator or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

The following clothing items are prohibited:

- clothing promoting the use or sale of alcohol or illegal drugs and/or tobacco product
- extremely short garments (no shorter than mid-thigh)
- extremely tight clothing
- garments which expose undergarments, buttocks, and/or other private parts
- ripped jeans that expose undergarments or skin higher than mid-thigh (exception if leggings, shorts, or other garment is worn underneath jeans.)
- hats and other head gear including hoodies and do-rags/wave caps (inside the building) except for

religious or medical reasons

- clothing or jewelry with studded, pointed, or sharpened edges
- pants/trousers worn off waist or the pants crotch at knees are prohibited if undergarments not covered or if it presents a health and safety issue
- heavy chains for billfolds/wallets
- shirts/clothing which show offensive and/or vulgar words, pictures, diagrams, drawings or include words or phrases of a violent nature, a disruptive nature, a sexual nature, or words or phrases that are derogatory regarding a person's ethnic background, color, race, national origin, religious belief, sexual orientation, gender or gender preference or disability are prohibited.
- footwear that could cause a safety hazard (such as shoes without a back, shower shoes, or shoes that do not readily stay on the feet).
- No pajamas, with the exception of identified day during a school spirit week.

Students who violate these rules will be subject to disciplinary action and/or item(s) will be confiscated.

## **STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct. Students are not entitled to any sort of Miranda type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. In addition, the Board authorizes the Superintendent, Building Principals/assistant principals and the security monitors to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

Before searching a student or the student's belongings, the authorized school official should ask whether the student possesses physical evidence in an attempt to get the student to voluntarily consent to the search. Searches will be limited to the reasonable scope necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

### **Entry Searches (Metal Detectors/Weapons Detention Devices)**

On April 21, 2008, the Poughkeepsie City School District incorporated a metal/weapon detection system into our present card entry scanning security system at the Poughkeepsie High School building. The following will apply to all buildings operated by the Poughkeepsie City School District when applicable. The Board of Education recognizes its responsibility to take reasonable steps to ensure that students have a safe learning environment, along with its responsibility to respect the Constitutional rights of students and visitors.

### **Purpose**

The purpose of the metal detector/weapon detection scan is to prevent concealed weapons from entering the school environment and to identify concealed weapons and contraband. At no time is the degree and nature of the search to go beyond what is necessary to allow staff to discharge its responsibility for the safety of students. If weapons or other contraband are found in the possession of any person on school property, such evidence shall be referred to the police. Additionally, such evidence may be used for student disciplinary

purposes.

### **Notification**

Signs will be posted outside the building at every entrance in which the metal detection system is in operation in order to provide notice to all persons entering the school that they are subject to a random screening for weapons as a condition of entry.

### **Procedure**

Students will be asked to empty their pockets, bags, or other belongings of all items containing metal which would set off the metal detector and to place those items into a receptacle until the scan is completed. Students will then be asked to walk through the metal detector. If an alarm sounds an audible “Warning,” the detection monitor also displays where on the person the object is located, which assists Security in knowing where on the student needs further inspection. The student will then be asked to step aside and he or she will be searched (in accordance with section 5330-R of the Poughkeepsie City School District Policy) for any further metal items that may have activated the detector. The students’ non- weapon property will then be returned to the students.

Students may not bring prohibited items to school in accordance with the Poughkeepsie City School District’s Code of Conduct. If students are found to possess an item not permitted on school grounds during this search, appropriate disciplinary action will be taken. All students and visitors entering the school or program may be searched. Under no circumstances may school officials single out a particular individual or individuals to be searched, unless there is reasonable individualized suspicion to believe that such person or persons are in possession of a prohibited item.

### **Use of Hand-Held Detectors**

Weapon scanning of persons will be conducted, where possible, by school officials of the same gender as the individual when available. Persons who refuse to cooperate will be referred to the principal for appropriate action. When a student refuses to consent to a search, such student shall not be permitted to enter the building.

### **Athletic Contests, Optional Programs, and Extracurricular Activities**

Persons refusing to cooperate with the scanning procedure prior to entry into an athletic contest, optional program or extracurricular activity will be denied entry.

### **Response to Activation of the Metal/Weapon Detector**

- If the detector is activated while scanning a bag or parcel, its owner will be requested to open the bag or parcel and remove any remaining metal objects which may set off the scanner. The school official will then conduct a second scan. If the second scan still activates the metal detector, the school official will then examine the contents for weapons. If items in the bag or parcel must be shifted to provide a better view, the school official will use a dowel stick or ruler to do so. Reasonable efforts shall be made to protect student/visitor privacy by not emptying the contents of bags and backpacks in plain view of other students and visitors.
- If the detector activates on a person and the source of the alarm is not apparent (e.g., jewelry), the school official conducting the scan will direct the individual to remove, if possible, any remaining metal objects from his/her person and will conduct a second scan. If the detector activates again, the principal/designee shall direct a member of the staff to escort the individual to a separate and private area (e.g., an office) and to conduct a search in accordance with the procedures outlined below.

### **Discovery of Contraband**

- If weapons or other illegal contraband are found in the possession of any person on school premises, the City of Poughkeepsie Police Department will be contacted for possible criminal prosecution.
- In cases where the police do not arrest the individual, the procedures for sending contraband to the Administrator for Student Discipline are to be followed.

### **Return of Property**

- All property removed from an individual which is illegal or not permissible will not be returned to that individual upon completion of the search.

### **Luggage Search**

Students and parents who attend overnight field trips will be notified in writing that they will be subject to a luggage search. Parents can be present for the search. If the student or parent refuses the search, the student will not be allowed to attend the field trip and the parent will be required to pick up the student. If a prohibited item is found in the luggage, the student will not be allowed to go on the field trip.

### **Student Lockers, Desks, and Other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. The school principal or his/her designee is authorized to open lockers in the presence of another witness and to examine their contents to include personal belongings of students when such person has reasonable suspicion to believe that the contents threaten the safety, health, or welfare of any student or include property stolen from school personnel, or other students. This policy does not preclude administrators from being able to randomly search lockers. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes there is reasonable individualized suspicion of items prohibited by the Code of Conduct it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent in consultation with the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others. Strip searches may only be conducted by an authorized school official of the same gender as the student being searched and in the presence of another District professional employee who is also of the same gender as the student. School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact, if the parent could not be reached by telephone.

### **Documentation of Searches**

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

- name, age and grade of student searched
- reasons for the search
- name of any informant(s)
- purpose of search (that is, what item(s) were being sought)

- type and scope of search
- person conducting search and his or her title and position
- witnesses, if any, to the search
- time and location of search
- results of search (that is, what item(s) were found)
- disposition of items found
- time, manner, and results of parental notification

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

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

### **Police Involvement in Searches and Interrogations of Students**

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

- a search or an arrest warrant or
- probable cause to believe a crime has been committed on school property or at a school function or
- are in hot pursuit of a person who is believed to be present on school property

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

- they must be informed by the police of their legal rights
- they may remain silent if they so desire
- they may request the presence of an attorney

### **Law Enforcement Trained Narcotics Detection Dogs**

Only trained narcotics detection dogs under the control of law enforcement agencies shall be used in locker, automobile, or parcel searches. Dogs will not be used to search students at any time.

### **Law Enforcement Trained Bomb Detection Dogs**

Only trained bomb detection dogs under the control of law enforcement agencies shall be used in searches.

**Bomb Detection Dogs** are designed for the detection of bombs and other explosive devices.

### **Video Surveillance**

Cameras may be used in school buildings, school buses or other school property in areas where there is no “reasonable

expectation of privacy” 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.

### **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.

### **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.

### **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.

### **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:

#### **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.

#### **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-finding 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.

### **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.

3. 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.

4. 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

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.

5. 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.

## **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.

## **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.

### **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.

### **SCHOOLS AGAINST VIOLENCE IN EDUCATION (SAVE) LEGISLATION**

In his State of the State address on January 6, 1999, former Governor George E. Pataki announced the creation of a Task Force on School Violence. Lt. Governor Mary O. Donohue was appointed to chair the Task Force. The Lt. Governor gathered together a broad representation of qualified individuals from across the state, including students, parents, teachers, school administrators, law enforcement experts, business leaders, mental health professionals and local elected officials. The goal was to bring the best methods of improving school safety to every school to ensure that students are focused on meeting the high academic standards rather than on personal safety.

On July 24, 2000, former Governor Pataki signed into law the most comprehensive legislative plan in the nation, entitled Project SAVE (Safe Schools Against Violence in Education), to promote a safer and more effective learning environment within New York State's schools.

There are 16 components of SAVE Legislation:

1. District-Wide School Safety Plan
2. Building-Level Emergency Response Plans
3. Codes of Conduct
4. Teacher Authority/Principal Authority
5. Uniform Violent Incident Reporting a. (Violent and Disruptive Incident Reporting - VADIR)
6. Instruction in Civility, Citizenship, and Character Education
7. Health Curriculum
8. Interpersonal Violence Prevention Education
9. School Violence Prevention Training
10. Whistle Blower Protection
11. Fingerprinting
12. Assaults on Teachers
13. Child Abuse Reporting
14. Prohibiting Silent Resignations
15. Teacher Discipline
16. Court Notification

SAVE legislation and the regulations that accompany it, are designed to promote positive programming, to prevent violence from erupting, and to unite school communities around desired behaviors in schools. It is important to note that the Middle School and High School referral forms are aligned with the terminology in the Code of Conduct and the VADIR report.

## **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 action, conduct or activity engaged in by one person acting alone or with others, either on or off-campus, directed against a member of the school community that endangers the mental or physical health or safety of that person, for the purported purpose of being initiated into, becoming a member of, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team, including, but not limited to:

- any activity that induces, causes or requires the student to perform a duty or task that involves a violation of the Penal Code and/or the Student Code of Conduct
- any activity involving the consumption of food, liquid, alcoholic beverage, liquor, drug or other substance

which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student

- any activity, such as sleep deprivation or exposure to the elements that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student
- any type of physical contact, either person to person, or object to person, that causes, is intended to cause, or has the ability to adversely affect the mental or physical health or safety of the student

**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.

**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.

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.

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Student Signature: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_