

# **Greenville Central School District**

## **Code of Conduct 2018-2019**



### **COMMITTEE MEMBERS: 2017/2018**

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## CODE OF CONDUCT

### I. INTRODUCTION

The District is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“code”).

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

### II. DEFINITIONS

**Disruptive student** is a 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.

**Parent** is the biological, adoptive or foster parent, guardian or person in parental relation to a student.

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11 [1] and Vehicle and Traffic Law Section 142).

**School Function** means a school-sponsored extra-curricular event or activity (Education Section 11 [2]).

**Disability** means (a) a physical, mental or medication impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory

diagnostic techniques or (b) a record of such an impairment or a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Discrimination** means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**Emotional Harm** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the Social Services Law and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section 11[4] and 1125[3]).

**Gender** means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Harassment/bullying** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law Section 11(8)

- a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- d. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and nonverbal actions. (Education Law Section 11[7]).

**Cyberbullying** means harassment/bullying, as defined above, through any form of electronic communication.

**Violent student** is a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- 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 a school function, or attempts to do so.
- Possess while on school property or at a school function a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- 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.
- Knowingly and intentionally damages or destroys school district property.

**Weapon** is a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, 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 serious physical injury or death when used as a weapon.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. Student Rights**

The Greenville Central School District is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all District students have the right to:

- A safe, supportive, healthy, orderly and civil school environment.
- Take part in all District activities on an equal basis regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty, and
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All District students have the responsibility to:

- Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, as per Board of Education Policy governing attendance; and to be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, principals and other school personnel in a respectful, positive manner.
- Work to develop mechanisms to express emotions appropriately.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the District, when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **IV. ESSENTIAL PARTNERS**

##### **A. Parents: All parents are expected to:**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children may help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.

10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers: All teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability. Be prepared to teach.
2. Demonstrate interest in teaching and concern for student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Communicate to students and parents:
  - a) Course objectives and requirements
  - b) Marking/grading procedures
  - c) Assignment deadlines
  - d) Expectations for students
  - e) Classroom discipline plan.
5. Communicate regularly with students, parents and other teachers concerning growth and achievement.
6. Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Promptly report to the building principal incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher.

C. School Counselors - In addition to "B" above, school counselors are expected to:

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

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability, which will strengthen student's self-concept and promote confidence to learn.
2. Be familiar with the Code of Conduct.
3. Help children understand the District's expectations for maintaining a safe, orderly environment.
4. Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.

5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
6. Promptly report to the building principal incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the school personnel.

E. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Regularly evaluate all instructional programs.
4. Support the development of, and student participation in, appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
7. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.
8. Promptly report to the Superintendent incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the principal.

F. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability.
2. Review with District administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
5. Address issues of discrimination, harassment, or any situation that threatens the emotional or physical health, or safety of any student, school employee, or any person who is lawfully on school property or at a school event.
6. Address personal biases that may prevent equal treatment of all students and staff.

G. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability.



2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
5. Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
6. Address personal biases that may prevent equal treatment of all students and staff.

## **V. STUDENT DRESS CODE**

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

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

1. Be safe and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments that are revealing are not appropriate.
3. Ensure that undergarments are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Include the wearing of hats or head coverings K-12 in the halls and common meeting places (example cafeteria) but in classrooms it would be at the discretion of the teachers, except for a medical or religious purpose or approved special event. Not include items that are vulgar, obscene, lewd, offensive, or denigrate others on account of race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each principal or his/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 will be subject to consequences, 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 consequences, up to and including out-of-school suspension.

## **VI. EXPECTED STUDENT CONDUCT**

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

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

The Board will 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 subject to consequences and behavioral assistance.

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

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

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive; cursing or swearing.
- 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 principal in charge of the building. Students are not allowed in the buildings or on the grounds after regular school hours, unless they're for a school sponsored activity (sports, clubs, afterschool help, musical etc.) without a parent/guardian or District employee.

B. Misuse computer/electronic communications, including but not limited to:

- Any unauthorized use of electronic devices
- Accessing inappropriate websites.
- Use of personal electronic devices in the classroom, except as expressly permitted by a teacher for instructional purposes.
- Sexting: Sending sexually explicit messages, photos, or video via cell phone or other electronic means.

- Cyberbullying: Engaging in electronic social cruelty, abuse or threats. Cyberbullying includes any form of transmitting electronic communications, including but not limited to e-mail, instant messages (texting), social networking sites (such as Snapchat, Instagram, Facebook and Twitter), blogs, chat rooms, pagers, cell phones, or gaming systems, which are intended to be or which may reasonably be perceived as cruel, harassing, threatening, or intimidating.
  - No student shall be allowed to video, photograph or voice tape/record another student or school employee and communicate or distribute it in any way, including, but not limited to, posting it on social media, texting or email without the permission of that said person or unless such action is permitted by school policy, approved by a school administrator, or the law.
  - Any other violation of the District's acceptable use policy.
- C. 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, principals or other school personnel in charge of students, or otherwise demonstrating disrespect.
  - Lateness for, missing or leaving class or school without permission.
  - Repeated unpreparedness for class.
  - Skipping detention.
- D. 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, and scratching) upon a teacher, principal or other school employee or attempting to do so.
  - Committing an act of violence (such as hitting, kicking, punching, biting, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  - Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  - 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 graffiti or arson.
  - Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, emotional well-being, health or welfare of others. Examples of such conduct include but are not limited to:

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- Discrimination, which includes the use of race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability as a basis for treating another in a negative manner.
- Harassment, which includes; (i) a sufficiently severe action or a persistent, pervasive pattern of actions or statements, with or without physical contact, directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning, or (ii) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits. (Refer to XVI DASA)
- Bullying, which includes threatening, stalking, or seeking to coerce or compel a person to do something; intentionally causing another person to fear imminent physical injury; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs. (Refer to XVI. DASA)
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliation with or maintaining membership in any school sponsored activity, organization or club or team.
- Selling, using or possessing obscene material.
- Spitting.
- Possessing or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco, e-cigarettes (with or without liquid nicotine), Juuls or other vapor instruments and supplies.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".
- Sharing prescription or over-the-counter drugs or supplements.
- Possessing or using prescription or over-the-counter drugs, except in conformance with the District's policy for carrying and self-administration of medicine.
- Gambling.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
- Plagiarism.
  - Cheating.
  - Copying.
  - Altering records.
  - Assisting another student in any of the above actions.
- H. Off-campus misconduct. Students may be subject to the consequences set forth in this Code of Conduct for their off-campus actions, including actions during non-school hours or non-school days, when:
- the student's actions would constitute a violation of this Code of Conduct if committed on school grounds; and
  - the student's actions may endanger the health, safety or well-being of the District's students or staff; or
  - it is reasonably feasible that the student's actions will materially and substantially disrupt the educational process.

## **VII. REPORTING VIOLATIONS**

- All students are expected to promptly report violations of the Code of Conduct to a teacher, a school counselor, the principal or his/her designee. Any student observing a student possessing a weapon, alcohol, or an illegal substance on school property or at a school function, shall report this information immediately to a teacher, the principal, the principal's designee, or the superintendent.
- Any member of District staff who is authorized to impose consequences is expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose consequences are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction so authorized, or refer the matter to a staff member who is authorized to impose an appropriate disciplinary sanction.
- 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 to law enforcement authorities.
- The principal or his/her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the

order or security of the school as soon as practical, but in no event later than the close of business the day the principal or his/her designee learns of the violation. The notification may be made by telephone. The notification must identify the student[s] and explain the conduct that violated the Code of Conduct and constituted a crime.

## **VIII. CONSEQUENCES, PROCEDURES AND REFERRALS**

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

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other pertinent circumstances.

As a general rule, consequences will be progressive. This means that a student's first violation will usually merit a different consequence than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student may be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, except to the extent permitted by law. (Refer to XVI. DASA)

### **Consequences**

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

- Oral warning - any member of the District staff
- Explanation of rules and Code of Conduct
- Behavioral Contract
- Referral to School Counselor, School Psychologist or Nurse
- Parent Conference
- Written warning - bus drivers, hall and lunch aide/monitors, coaches, school counselors, teachers, other building administrator, principal, superintendent

- Written notification to parent - bus drivers, hall and lunch monitors, coaches, school counselors, teachers, principal, other building administrator, superintendent
- Removal from an event – chaperone, activity director, coach, athletic director, principal, other building administrator, superintendent
- Detention - teachers, principals, other building administrator, superintendent
- Suspension from transportation - principal, other building administrator, superintendent
- Suspension from athletic participation - coaches, athletic director, principal, other building administrator, superintendent
- Suspension from social or extracurricular activities – athletic director, principal, other building administrator, superintendent
- Suspension from other privileges - principal, other building administrator, superintendent
- Removal from classroom by teacher - teacher, principal or other building administrator
- Assignment to an off-campus education program such as PASS - principal, other building administrator, superintendent
- In-school suspension - principal, other building administrator, superintendent
- Short-term (five days or less) suspension from school - principal, superintendent, board of education
- Long-term (more than five days) suspension from school - superintendent, board of education
- Permanent suspension from school - superintendent, board of education

### **Prohibited Student Behavior & School Responses**

#### **A. Category I ~ Prohibited student behavior includes:**

- Willful and/or disruptive behavior which interferes with the educational program and normal operation of the school community. Examples include running in hallways, horseplay, making unreasonable noise, obstructing vehicular or pedestrian traffic, graffiti, misconduct while on a school bus, participating in excessive or offensive public displays of affection, etc.
- Use of inappropriate language, gestures or symbols. Examples include use of language or gestures that are profane, lewd, or vulgar.
- Repeated tardiness, whether to school or to class.
- Repeated unpreparedness for class.
- Leaving a class without permission.
- “Skipping,” or otherwise being out of a scheduled class without a pass.
- Possession of an unlit cigarette, cigar or pipe, or pipe tobacco, chewing tobacco, e-cigarettes, Juuls or other vapor instruments and supplies, or smokeless tobacco, liquid nicotine on school property, including all school grounds, facilities, vehicles or property, or at any school-sponsored activity.
- Any unauthorized use of computers, software, or internet/intranet account.
- Accessing inappropriate websites.

- Use of personal electronic devices in the classroom, except as expressly permitted by a teacher for instructional purposes.
- Use of personal electronic devices in other prohibited areas, as designated by the principal.
- Any other violation of the District's acceptable use policy.
- Disrespect, including the failure to follow the reasonable and lawful direction of teachers, principals, or other school personnel.

**School Response** Category One behavior will usually be addressed by an individual staff member but may, at times, require the intervention of other school support personnel. There will be immediate intervention by the staff member who is supervising the student or who observes the behavior. The staff member will maintain a proper and accurate record of student actions and school responses. The range of possible school responses includes:

- The teacher will discuss the behavior with the student.
- A warning
- The teacher may remove the student from the situation.
- Parent Conference
- Behavior agreement.
- Parent/guardian contact.
- Referral to principal, school counselor or psychologist.
- Verbal reprimand.
- Reduction in classroom privileges.
- Loss of bus privileges, 1 to 5 school days.
- Loss of driving privileges, 1 to 5 school days.
- Detention.
- Restitution.
- Confiscation of contraband
- Assignment to an off-campus education program such as PASS.
- In-school suspension, 1 to 5 school days.
- Out-of-school suspension, 1 to 5 school days.

**B. Category II ~ Prohibited student behavior includes:**

- Repeated incidents of a Category I prohibited behavior.
- Use of abusive language, gestures or symbols directed against another student.
- Use or possession of obscene or offensive materials.
- Leaving school grounds without permission.
- Patterns of excessive absence.
- Possession of a lit cigarette, cigar, pipe or e-cigarette, Juul or other vapor instrument on school property, including all school grounds, facilities, vehicles or property, or at any school-sponsored activity.
- Trespassing on school property, including all school grounds, facilities, vehicles or property, or at any school-sponsored activity. Trespassing is defined as entering or remaining on school property without authorization, license or invitation.



**School Response** Category II Prohibited behavior shall be addressed through one or more of the following procedures:

- The teacher may initiate a meeting with the student and the student's school counselor to discuss the situation. The teacher must notify the principal and the student's parent/guardian.
- The principal may initiate an investigation of the allegation and confer with staff on the appropriate school response.
- The principal may meet with the student and confer with the student's parent/guardian about the student's conduct and resulting school response.

The principal will maintain a written and accurate record of student behaviors and school responses. The range of possible school responses include:

- The teacher may remove a "disruptive student" from the classroom.
- Behavior agreement.
- Parent conference.
- Referral to school counselor and/or a social worker or psychologist.
- Referral to school administration.
- Reduction of school privileges.
- Reduction of classroom privileges.
- Loss of bus privileges, 1 to 5 school days.
- Detention.
- Restitution.
- Loss of driving privileges, 1 to 5 school days.
- Assignment to an off-campus education program such as PASS.
- In-school suspension, 1 to 5 school days.
- Out-of-school suspension, 1 to 5 school days.

**C. Category III** ~ Prohibited student behavior includes conduct which constitutes academic dishonesty and misconduct, including:

- Plagiarism.
- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

**School Response** Category III Prohibited student behavior shall be addressed through one or more of the following procedures:

- The teacher may initiate a meeting with the student and the student's school counselor to discuss the situation. The teacher must notify the principal and the student's parent/guardian.
- The principal may initiate an investigation of the allegation and confer with staff on the appropriate school response.
- The principal may meet with the student and confer with the student's parent/guardian about the student's conduct and resulting school response.

The principal will maintain a written and accurate record of student behaviors and school responses. The range of possible school responses include:

- The teacher may require that the student re-do the assignment.
- The student may receive a grade of zero on the assignment.
- Confiscation of electronic devices or other materials used in a prohibited manner.
- Reduction or loss of school privileges. Example: access to the Internet through the school's network.
- Detention.
- Assignment to an off-campus education program such as PASS.
- In-school suspension, 1 to 5 school days.
- Out-of-school suspension, 1 to 5 school days.

**D. Category IV ~ Prohibited student behavior includes:**

- Chronic incidents of Category I Prohibited student behavior, as well as repeated or chronic incidents of Category II behavior.
- Knowingly making false or misleading statements about another individual or group of individuals.
- Use of abusive language, gestures or symbols directed against school personnel.
- Use of hateful language, gestures or symbols. Examples include use of language or gestures involving slurs regarding the race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability of another.
- Participation in discrimination or harassment based upon the race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, or disability of another.
- Sharing of any prescription or over-the-counter medication or supplements.
- Possessing or using prescription or over-the-counter drugs, except in conformance with the District's policy for carrying and self-administration of medication.
- Gambling in school or on school property.
- Exposure of private parts of the human body.
- Selling of obscene materials.
- Use or attempted use of physical force on or against another student.
- The use, possession, sale or distribution of alcoholic beverages or controlled/illegal substances. Examples of controlled/illegal substances include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- Attending school or any school sponsored event under the influence of alcoholic beverages or controlled/illegal substances.
- Sexting: Sending sexually explicit messages, photos, or video via cell phone or other electronic means.

**School Response** Category IV Prohibited behavior shall be addressed through one or more of the following procedures:

- The principal will investigate the allegations and consult with staff as to the appropriate consequences if the allegations are supported by substantial and credible evidence.
- The principal will meet with the student and confer with the student's parent/guardian, regarding the student's conduct and the resulting school response.

The principal will maintain a proper and accurate record of student behavior and school responses. Unless otherwise provided by law, the range of possible school responses may include:

- Confiscation of contraband.
- The teacher may remove a “disruptive student” from the classroom.
- Parent/guardian contact.
- Referral to student support and counseling services.
- Loss of privileges.
- Detention.
- Restitution.
- Assignment to an off-campus education program such as PASS.
- In-school suspension.
- Out-of-school suspension.
- Superintendent's hearing.
- Mediation.
- Police notification.
- Criminal charges.
- Recommendation for a PINS (Persons in Need of Supervision) petition.
- Permanent suspension from school.

**E. Category V Prohibited student behavior including:**

- Use or attempted use of violent physical force on another person, whether that other person be a teacher, a student, an administrator, or any other adult in school or on school property. Examples of violent physical force include hitting, kicking, punching, and scratching.
- Harassment, threats or threatening language, or any intentional and unauthorized contact with another. Examples of such behavior include, but are not limited to, acts of sexual harassment as defined in the District's sexual harassment policy.
- Intimidation or bullying in any form.
- Hazing, or intentional or reckless acts directed against another for the purpose of obtaining or maintaining membership on a team or in a club, activity or organization sponsored by the District.
- Possession or display of a weapon.
- Threatening to use any weapon.
- Intentional damage or destruction of property, whether that property belong to the school district or is the personal property of a teacher, a student, an administrator, another District employee, or a visitor to the school. Such damage/destruction may include, but is not limited to, graffiti or arson.
- Stealing the property of other students, school personnel or any other person who is lawfully on school property or attending a school function.

- **Cyberbullying:** Engaging in electronic social cruelty, abuse or threats. Cyberbullying includes any form of transmitting electronic communications, including but not limited to e-mail, instant messages (texting), social networking sites (such as Snapchat, Instagram, Facebook and Twitter), blogs, chat rooms, pagers, cell phones, or gaming systems, which are intended to be or which may reasonably be perceived as cruel, harassing, threatening, or intimidating.

**School Response** Category V interactions shall be addressed through one or more of the following procedures:

- The principal will investigate the allegations and consult with staff as to the appropriate consequences if the allegations are supported by substantial and credible evidence.
- The principal will meet with the student and confer with the student's parent/guardian, regarding the student's conduct and the resulting school response.

The principal will maintain a written and accurate record of student behavior and school responses. Unless otherwise provided by law, the range of possible school responses may include:

- Confiscation of contraband.
- The teacher may remove a "disruptive student" from the classroom.
- Parent/guardian contact.
- Referral to student support and counseling services.
- Loss of privileges.
- Detention.
- Restitution.
- Assignment to an off-campus education program such as PASS.
- In-school suspension.
- Out-of-school suspension.
- Superintendent's hearing.
- Mediation.
- Police notification.
- Criminal charges.
- Recommendation for a PINS (Persons in Need of Supervision) petition.
- Permanent suspension from school.

## **Procedures**

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

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

### Detention

Teachers, principals, other building administrators and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious behavioral problem may have their riding privileges suspended by other building administrators, principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the District will make appropriate arrangements to provide for the student's education.

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

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

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

### In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

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

### Removal by Teacher

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can manage a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- a. short-term "time out" in another supervised classroom or in an administrator's office;
- b. sending a student to the principal's office for the remainder of the class time only; or
- c. sending a student to a school counselor or other District staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

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

The teacher must complete a District-established disciplinary removal form and meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should be provided by telephone if the school has been provided with a telephone number[s] for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law, including the District's Code of Conduct.

- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

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

Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### Assignment to an off-campus education program such as PASS

A student may be involuntarily assigned to an off-campus education program, upon the written request of a principal, with prior written notice to the parent, and:

- a. with the written consent of the parent; or
- b. following a fair hearing conducted by the Superintendent of Schools or his/her designee.

Written notice to the parent shall include notice of the right to an informal conference with the principal. Any fair hearing shall be conducted according to the same procedures as a Superintendent's hearing for a suspension of more than 5 days.

#### Suspension from school

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term suspension (5 days or fewer) from school

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal and the adult complaining witness. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of adult complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his/her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the District clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or principal determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the



student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his/her behalf.

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the District clerk within 10 business days of the date of the superintendent's decision, unless the parents can show the extraordinary circumstances preclude them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances, such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

Minimum Periods of Suspension

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

a. Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property, will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- the student's age
- the student's grade in school
- the student's prior disciplinary record
- the superintendent's belief that other forms of discipline may be more effective
- input from parents, teachers and/or others
- other extenuating circumstances.

- b. Students who commit acts of violence other than bringing a weapon to school

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

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

- c. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days.

For the purposes of this Code of Conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher[s] pursuant to Education Law §3214 (3-a) and this Code on four or more occasions during a semester, or on three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### Referrals

- a. Counseling and Other Remedial Responses

Members of the Administration, School Counselors, or a School Psychologist, shall handle referrals of students for counseling, peer groups, instruction or other relevant learning experiences.

- b. Referrals to Human Services Agencies, and the services provided from any such agency(ies) shall be voluntary and shall not be at District expense.

c. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 16 who demonstrates that he/she requires supervision and treatment by:

- engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school
- being habitually truant and not attending school as required by part one of Article 65 of the Education Law
- possession or use of any illegal drug or weapon on school property or at a school sponsored event
- engaging in sexting or cyberbullying.
- 

d. Law Enforcement/Juvenile Justice

Any student who brings a weapon or illegal drugs to school or a school-sponsored event, or who engages in sexting or cyberbullying, or who engages in other activities which may constitute a crime, shall be referred to the appropriate law enforcement or juvenile justice authorities.

## **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education adopts the policy below to assure that any student with disabilities as defined in state or federal law who is facing an out of school suspension or other disciplinary change in placement pursuant to Education Law § 3214 is afforded the additional procedural protections provided under the Individual with Disabilities Education Act (“IDEA”), §504 of the Rehabilitation Act, Article 89 of the New York State Education Law and Part 201 of the New York State Code of Rules and Regulations (“NYCRR”).

### Relevant Definitions

A “suspension” means a suspension pursuant to NY Education Law §3214.

“Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either for more than 10 consecutive school days or for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

“IAES” means a temporary educational placement other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to participate in the general curriculum; to progress towards the goals set out in the IEP, although in another setting, and includes as necessary, services

and modifications to address the behavior which precipitated the IAES placement designed to prevent the behavior from recurring.

“Serious bodily injury” means bodily injury which involves 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.

“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 two and one-half inches in length.

“Illegal drug” means a controlled substance other than a substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.

A Student Presumed to be a Student with a Disability - the District shall be deemed to have knowledge that a student may be a student with a disability, when, prior to the behavior that precipitated the disciplinary action:

- (1) the parent of such student has expressed concern 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 expression of concern 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 concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education & Pupil Personnel Services of the District or to other supervisory personnel of the District in accordance with the District’s established child find or special education referral system.

Expedited Evaluation: Where a parent of a student who faces disciplinary action refers the student for an evaluation and there is no basis to presume the student may be disabled, the Committee shall complete all evaluations within 15 business days of the referral and convene a meeting to determine whether the student is a student with a disability within 5 business days thereafter.

#### Suspension of Students With Disabilities up to 10 Days in the course of a school year

##### *Five School Day Suspension or Removal*

Except as provided below, the superintendent or principal shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting (IAES), another setting or suspension for a period not to exceed 5 consecutive school days, and not to exceed the amount of time that a non-disabled student would be subject to suspension for the same behavior.

*Ten School Day Suspension or Removal*

Except as otherwise provided below, the superintendent may order the placement of a student with a disability into an interim alternative educational setting, (IAES), another setting or suspension for up to 10 consecutive school days for the same behavior, where the superintendent determines in accordance with the procedures set forth in Education Law §3214 that the student has engaged in behavior that warrants a suspension, provided that the duration of any such suspension or removal shall not exceed the amount of time that a non-disabled student would be subject to suspension for the same behavior. A superintendent of schools may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

*Exception for Pattern of Suspensions or Removals that Constitute a change in placement*

A student with a disability may not be removed under the provisions set forth above, if imposition of a suspension or removal for 5 or 10 school days would result in a disciplinary change in placement based on a pattern of suspensions or removal except where the manifestation team determines that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES for up to 45 school days upon a finding that the student carried or possessed a weapon to or at school or on school premises, knowingly possessed, used, sold, or solicited illegal drugs while at school or involved in a school sponsored function under the jurisdiction of the school district, or inflicted upon another person serious bodily harm while at school, on school grounds or in a school sponsored activity, as those terms are defined above.

*Suspensions of Students with Disabilities over 10 days in the Course of a School Year*

Any suspension of a student with a disability, who is suspended from school for more than ten days over the course of the school year, shall be referred to the committee on special education which shall arrange for the student's placement in an IAES during the time of such suspensions, when such suspensions constitute a disciplinary change in placement.

Suspension or Removals that Constitute a Change in Placement

Where a suspension from school constitutes a change in placement as defined above, the student shall not be subject to further disciplinary removal until the student is referred to the Manifestation Team. The Manifestation Team must convene before any further suspension is imposed.

*Manifestation Found*

Where the Manifestation Team finds that the behavior leading to the suspension is related to the student's disability, no further suspension may be imposed and the student must be returned to his or her placement prior to the suspension, unless (i) the committee decides to recommend a new placement with which the parent agrees; or (ii) the behavior involved drugs, weapons, or inflicted serious bodily injury.

Exception: If the student is found guilty of possessing, using, selling, or soliciting illegal drugs, the use or possession of a weapon or the infliction of serious bodily injury as defined above, the superintendent may suspend the student for up to 45 school days even if the Manifestation Team finds that the behavior leading to the student's suspension was related to the student's disability.

*No Manifestation Found*

If the Manifestation Team finds that the behavior leading to the student's suspension is not a manifestation of the student's disability, the student shall be referred back to the hearing for the Penalty Phase where the superintendent may impose the same period of suspension applicable to a non-disabled student.

Students found to be dangerous who are not subject to an automatic 45 school day removal. If the superintendent concludes, based upon the evidence presented at hearing, that maintaining the student in his or her current educational placement is dangerous, the superintendent shall refer the matter to the CSE to determine whether any additional steps can be reasonably taken to minimize the potential for harm. If the committee is unable to identify any additional supports or services to eliminate the danger, and the committee is unable to reach a mutually agreeable alternative plan to continue the student's education elsewhere, the Director of Special Education & Pupil Personnel Services may, after consultation with the superintendent, initiate an expedited hearing or petition a court to seek permission to enforce a unilateral removal of the student.

*Assignment to an integrated off-campus education program*

A student with a disability may be assigned to an integrated off-campus education program as his or her IEAS only under the same circumstances, and to the same extent as, he or she may be suspended from school.

*Student presumed to be disabled*

Upon the request of a parent, or school personnel, the individual authorized to impose a suspension shall determine whether such student is a child presumed to have a disability as defined above.

If the superintendent or principal, as applicable, determines that a student subject to a suspension is not a student presumed to have a disability, the student shall be subject to the same disciplinary measures as other non-disabled students who engage in comparable behaviors.

A student presumed to be disabled, shall be afforded the same protections as students with disabilities and shall be evaluated and eligibility determined by the committee in an expedited manner.

If a person authorized to refer a student to the committee on special education for an individual evaluation makes such a referral after the behavior which led to the suspension occurred, the child shall receive an expedited evaluation. Until the expedited evaluation is completed and the CSE has convened to determine eligibility, such student shall be subject to the same disciplinary measures as other non-disabled students who engaged in comparable behaviors.

*Notice of disciplinary removals*

The District shall provide parents of students with disabilities with notice of the disciplinary removal no later than the date on which a decision is made to change the student's placement to an IAES or to invoke a disciplinary change of placement.

Referral to law enforcement and judicial authorities

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

The District shall report those alleged crimes committed by a child with a disability, to appropriate authorities, to the same extent it would report such crimes committed by a non-disabled student and such action will not constitute a change of the student's placement.

The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported in a manner consistent with state and federal confidentiality laws.

## **X. ALTERNATE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

## **XI. USE OF CORPORAL PUNISHMENT**

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

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

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

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

## **XII. 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 consequence to a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, principals, the school nurse and other designated District personnel to conduct limited searches of students, such as coats, shoes, 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.

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that violated the law or the District code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

#### 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 expectations of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent.

#### Documentation of Searches

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

- name, age and grade of student searched
- reason 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/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 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/her designee shall clearly label each item taken from the student and retain control of the item(s), until the items are turned over to the police.

The District and its employees shall not be responsible for other items confiscated from students due to a violation of this Code of Conduct, including but not limited to personal electronic devices.

#### 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 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 warrant or an arrest warrant; or
- they have probable cause to believe a crime has been committed on school property or at a school function; or
- they have been invited by school officials.

Before police officials are permitted to question or search any student who is under age 16, the principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

#### Child Protective Services Investigations

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he/she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger or abuse, the worker may remove the student without a court order and without the parent's consent.

### **XIII. ONE-TO-ONE LAPTOP USE TERMS AND CONDITIONS**

The Greenville Central School District (the “District”) views the use of electronic resources as central to the delivery of its educational program and expects that all students will use electronic resources as an essential part of their learning experiences. It is the policy of the District to maintain an environment that promotes ethical and responsible conduct in all electronic resource activities. With this privilege and extraordinary opportunity to explore resources, come responsibilities for the parent and for the student. For the purposes of this document the terms “equipment” and “technology” shall refer to District-owned laptops, batteries, power cord/chargers, and cases.

Upon the District lending students District-owned technology, including laptop computers, District students and their parents must first review, understand, and agree to the terms and conditions set forth below. The Student/Parent Laptop Agreement will be signed on an annual basis acknowledging the understanding of all terms and conditions contained in the document, including the terms and conditions relating to financial obligations in the event that District technology is damaged, lost, or stolen while in the care and custody of the child(ren).

District students and families understand and agree that:

1. District-owned technological equipment (including laptops) is and at all times remains the property of the District while on loan to students.
2. Whether utilizing District technology at home or at school, all users are required to comply with the District’s Student Code of Conduct (Section VI, part B), the District’s Acceptable Use Policy, as well as all local, state, and federal laws.
3. All users shall follow existing copyright laws and educational fair use policies.
4. All use of District technology, equipment, and network must be for educational purposes; each piece of equipment is issued as an education resource. The conditions surrounding this equipment can be equated to those of a textbook or a school issued calculator.
5. All rules and guidelines are in effect before, during, and after school hours, for all District technology whether on or off the school campus.
6. All files stored on District equipment or network are property of the District and may be subject to review and monitoring.

7. Students shall keep the District-owned technology and equipment secured and in good condition. In the event that the District equipment loaned to the student is lost, stolen, or damaged, parents will be responsible for the cost of replacing such equipment or for the costs of any repair (unless otherwise covered by any manufacturer's warranty).
8. Students are expected to report any damage to their computer as soon as possible to the Information Technology department. This means no later than the next school day.
9. Insurance has been coordinated by the District and while not required, a policy is available to cover theft, damage, loss, etc.
10. Students are expected to notify a staff member immediately if they come across information, images, or messages that are inappropriate, dangerous, threatening, or make them feel uncomfortable.
11. Students should carry their laptop with them during the day. When the laptop needs to be stored, it should be stored in their locker.
12. To protect the laptop, students should keep it in the issued protective gear.
13. Students may only log in under their assigned username. Students may not share their password with other students.
14. Students may not loan laptops, chargers, or protective gear to other students for any reason.
15. Laptops are loaned with software and programs owned and/or approved by the District pre-installed, no additional software, including applications, shall be installed by students or parents. If additional software is required, please contact the Information Technology department.
16. All students have access to their Gmail accounts to store data. It is the responsibility of the student to make sure all of their data is saved here, not on the laptop itself.
17. The parent/guardian agrees to monitor student use at home, and away from school.
18. Since student laptops may be re-issued due to maintenance or re-assigned when a student leaves, students are prohibited from applying stickers or additional markings on the laptops, cases, batteries, or power cord/chargers. If such action occurs, the student will be billed the cost of repair or replacement.
19. Any failure to comply may result in consequences. GCS may remove a user's laptop take home privilege or network access without notice at any time if the user is engaged in any unauthorized activity.

#### **XIV. VISITORS TO OUR SCHOOL**

The District encourages parents and other community members to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such

visits. The principal or his/her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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

## **XV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

Expectations:

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so
- intentionally damage or destroy school district property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson
- disrupt the orderly conduct of classes, school programs or other school activities
- distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
- intimidate, harass or discriminate against any person on the basis of the person's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identification or expression, weight or disability
- enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
- obstruct the free movement of any person in any place to which this Code applies such as but not limited to physical restraint
- violate the traffic laws, parking regulations or other restrictions on vehicles
- possess, consume, sell, distribute or exchange alcoholic beverages, tobacco and tobacco products, including e-cigarettes, Juuls or other vapor instruments, controlled substances, or be under the influence of any of these, either on school property or at a school function
- possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district
- loiter on or about school property
- gamble on school property or at school functions
- refuse to comply with any reasonable order of identifiable school district officials performing their duties
- willfully incite others to commit any of the acts prohibited by this code
- use or display abusive or hateful language involving the use of slurs regarding race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identification or expression, weight or disability

- otherwise engage in any behavior which interferes with the educational program  
Consequences and Procedures

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

- A visitor (member of the public, licensee) shall have her/his authorization to remain upon the grounds or other property withdrawn and she/he shall be directed to leave the premise. In the event of failure to do so, she/he shall be subject to removal from the premises by law enforcement officials.
- A trespasser (one without authorization or invitation) shall be subject to removal from the premises by law enforcement officials.
- A student shall be subject to consequences as the facts of the case may warrant. This may include suspension, probation, loss of privileges, reprimand, or warning, as prescribed by Section §3214 of the Education Law of the State of New York and the policies, rules and regulations of the District. She/he shall also be subject to removal from the premises.
- A District employee covered by a Collective Bargaining Agreement between the Greenville Central School District and his or her union, or by an individual employment agreement, shall be subject to disciplinary action as the facts may warrant in accordance with the applicable contract, rule, regulation, statute or law which may govern such disciplinary action.
- A staff member other than those described above shall be subject to dismissal, suspension without pay, or censure, and be subject to ejection.

#### Enforcement

The principal or his or her designee shall be responsible for enforcing the conduct required by this code.

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

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

## **XVI. DIGNITY FOR ALL STUDENTS ACT (DASA)**

The intent of the Dignity for All Students Act is to provide all public school students with an environment free from harassment, bullying (including cyberbullying) and discrimination, as well as to foster civility in public schools. The Dignity Act focuses on the prevention of discriminatory behaviors, including harassment/bullying, through the promotion of educational measures meant to positively impact school culture and climate. It is required that all Codes of Conducts include provisions prohibiting harassment, bullying (including cyberbullying), and discrimination against students by students and/or school employees on school property or at a school function, as well as provisions for responding to acts of discrimination and harassment against students by students and/or school employees on school property or at a school function.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

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

### **Remedial Responses:**

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day
- corrective instruction that re-emphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Dignity Act Coordinators (as approved at annual Organizational Meeting of the Board):  
High School Principal  
Middle School Principal  
Elementary Principal

## **XVII. DISSEMINATION AND REVIEW**

### Dissemination of the Code of Conduct

1. Under Education Law 2801(4) and 8 NYCRR 100.2(1)(2)(iii)(b) Greenville Central School will ensure community awareness of the Code of Conduct provisions through various specified means, including, but not limited to, posting the current Code of Conduct in an easily accessible place on their internet web site.
2. Additionally, the Dignity for all Students Act required that a summary of the Code of Conduct be mailed to all students, in an age-appropriate version, written in plain-language, to ensure that students understand the standards of respect and appropriate behavior that the school community expects from them.
3. As part of ensuring effective implementation of the Code of Conduct, Greenville will provide training to staff that specifically highlights the Dignity Act provisions, such as the prohibition against discrimination, harassment and bullying, reporting requirements and the availability of each school's DAC. Training shall address the social patterns of discrimination, harassment and bullying, the identification and mitigation of those behaviors, as well as strategies for effectively addressing problems of exclusion, bias and aggression in the school setting.
4. The Board will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider
  - how effective the Code's provisions have been
  - whether the Code has been applied fairly and consistently.
5. The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.
6. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.
7. The Code of Conduct and any amendments to it will be posted on the District's website.