

**DISTRICT-WIDE  
CODE OF CONDUCT  
2023-2024**



**FALLSBURG**  
CENTRAL SCHOOL DISTRICT  
VISION STATEMENT

Fallsburg Central School District is a safe, nurturing environment, where excellence is expected, diversity and individuality are celebrated, and learning prepares students to face the challenges of an ever-changing global society.

*Home of the Comets!*

Approved by Board of Education  
July 5, 2023

## CODE OF CONDUCT

### **I. INTRODUCTION**

#### **Our Vision**

The goal of the Fallsburg Central School District is to promote a safe, nurturing environment, where excellence is expected, diversity and individuality are celebrated, and learning prepares students to face the challenges of an ever-changing global society.

#### **Our Mission**

The Educational Mission of the Fallsburg Central School District is:

- ☐ Prepare Today
- ☐ Succeed Tomorrow
- ☐ Inspire Excellence
- ☐ Challenge the World

As a part of this mission, the Fallsburg Central School District (“FCSD”) is committed to facilitating 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, to identify the possible consequences of unacceptable conduct, and to facilitate the prompt and fair administration of discipline. To this end, the Board adopts this Code of Conduct (“code”).

This code applies to all students, school personnel, parents and other visitors when on school property or attending a school function or event on or off school grounds.

The following pages are written in order to make you aware of the rules that have been established to make your school year successful. This Code of Conduct is a result of the combined efforts of students, parents, teachers, community members, administration and the Board of Education. This Code of Conduct does not include everything that may occur during the school day. From time to time, incidents occur which may bring about change or give us new information on previously discussed topics. As a result, this Code of Conduct is an evolving document.

Students are responsible for knowing the contents of this Code of Conduct. If a student (or any member of the school community) has a question or concern about information in this Code of Conduct, he/she should contact the building Principal at their own convenience.

This Code of Conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law § 2801) and Section 100.2(1) of the Commissioner’s Regulations. Unless otherwise noted, all statutory references in the code are to the Education Law.

## II. DEFINITIONS

For purposes of this code, the following definitions apply.

“Alcohol and Illegal Substance Use/Abuse” means possession, distribution, consumption, being under the influence, or sale of anything defined below as Illegal Substances.

“Cyberbullying” means Harassment/Bullying through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

“Discrimination” means discrimination against any student be 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, natural hair or hairstyle, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

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

“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” shall mean any person: (i) who is receiving compensation from a school or (ii) whose duties involve direct student contact and (a) who is receiving compensation from any person or entity that contracts with a school to provide transportation services to children, or (b) who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such school, its students or employees, directly or through contract.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception of their gender, whether or not such self-conception is different from that traditionally associated with the person’s physiological sex or sex assigned at birth.

“Harassment/Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying as defined in this Code that

- a) Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- 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 created 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 terms “threats, intimidation, or abuse” shall include verbal and non-verbal actions.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived race, color, weight, natural hair or hair style, national origin, ethnic origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender (including gender identity and expression) or any other legally protected status.

Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done by one person or a group. Bullying may be a single act or a series of occurrences. Bullying may also be based on any characteristic including but not limited to a person’s actual or perceived race, color, weight, natural hair or hair style, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

Bullying includes, but is not limited to, the following types:

**Verbal bullying:** includes but is not limited to name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

**Physical bullying:** includes but is not limited to poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, taking personal belongings without permission, or threatening gestures.

**Social or relational bullying:** includes but is not limited to excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, blatant or subtle offensive body language, extortion, intimidation, coercion, etc.

“Hazing” means a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors
- b) Substance abuse: abuse of tobacco, alcohol, or illegal/legal drugs and other Illegal Substances
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors

“Illegal Substances” include, but are not limited to, alcohol, inhalants, cannabis/marijuana, Tetrahydrocannabinol (THC) vapes, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, look-alikes (including but not limited to synthetic cannabinoids and any pretend substances, like spices or plants being passed off as marijuana or a vitamin tablet being passed off as an illegal drug), prescription or over-the-counter drugs and other related paraphernalia (including but not limited to vape products, vape batteries and/or vape chargers) when possession is unauthorized or such are inappropriately used or shared with others, and any product which, when misused, will result in an impaired or altered state.

“Material Incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the Superintendent, Principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

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

“Retaliation” means the actions of an employee, student, or visitor that mistreats any person because he/she has reported, testified about, or otherwise assisted in an investigation, proceeding or hearing concerning alleged harassment or bullying or a student disciplinary matter. An individual may be found to have engaged in prohibited retaliation even if the underlying complaint is determined to be unfounded. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment or inducing a third party to take such actions and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

“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 or the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School function” means any event or activity sponsored by the School District or any of its

schools, extra-curricular programs, clubs, or which occurs on the School District's property.

"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, as defined in Vehicle and Traffic Law §142.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Smoking/Tobacco Product" means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products including vape product batteries or vape product chargers.

"Under the Influence" A student shall be considered "under the influence" if he or she has used any quantity of a Prohibited Substance or alcohol within a time period reasonably proximate to his/her presence on School Property, on a School Bus, in a school vehicle, or at a school-sponsored School Function is seen exhaling smoke and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

"Violent Pupil" means a student under the age of 21 who:

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

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, cap gun, starter pistol, BB 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 ("Other Item") that can cause physical injury or death when such Other Item is used to cause physical injury or death. Any "look-alikes," fake or toy weapons wielded as a weapon are considered a weapon for purposes of this definition.

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

#### **Student Rights**

The District is committed to safeguarding the rights given to all students under federal and state law and

district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

#### Student Responsibilities

All District students have the responsibility to:

1. 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.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and to be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest possible level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. 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. STUDENT DRESS CODE**

The intent of the Student Dress Code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the workplace and society. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students' dress needs to be appropriate for the function you are attending. At these times you are a representative of your community and school, and the impression you make reflects on all.

The school does not dictate styles. However, school officials reserve the right to determine what acceptable and unacceptable attire is. 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.

Each building 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 item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so may be subject to discipline and parent contact. Any student who repeatedly fails to comply with the dress code may be subject to further parent contact and further discipline, up to and including out of school suspension.

Students must be dressed in appropriate clothing, footwear and protective equipment as required for physical education classes, participation in athletics, science laboratories, home and career skills classes and other classes that may have specific dress requirements.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Completely cover underwear or undergarments with outer clothing.
3. Necklines and backs of blouses and shirts should be (a) no lower than one hand's width below the collar bone in front; (b) no lower than the center of the shoulder blade in back; and (c) one hand must be able to cover any opening below the arm. Tops should not be higher than one inch above the navel. Shorts, skirts, dresses, pants and similar outer garments must have an appropriate and modest length and fit. They are considered too short if, when fully extending one's arm and hand along one's side, the hem or cuff is higher than the fingertip of the index finger. In addition, the waistline of such apparel must be worn at the student's waistline. The discretion of the building administrator or his/her designee may also be used to determine if a garment is inappropriate for school due to being too short, too tight, and/or too loose.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not constitute a threat or danger to the health and safety of students (e.g., heavy jewelry, chains, or jewelry with spikes which can injure the student or others).
6. Not include items that are vulgar, lewd, obscene, indecent, profane, or libelous, including messages that are innuendos or have double meanings.
7. Not promote, reference, and/or endorse the use of drugs and other illegal substances, alcohol and/or tobacco.
8. Sunglasses are not permitted inside unless medical documentation has been provided to the school and reviewed/approved by the school nurse
9. Any dress or appearance which advocates or encourages illegal or violent activities;
10. Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
11. Hats may be worn in the building at all times, except when the Pledge of Allegiance is recited, or a teacher deems the removal of hats necessary to the class topic for the day. These reasons may include, but are not limited to the preparation for a job interview or in a science laboratory assignment.
12. Hoods are permitted hallways but must be removed in individual classrooms if required by the teacher.

Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so. In addition, nothing in this Dress Code will be construed to limit the ability of students to wear



certain protective hairstyles (including but not limited to braids, locks and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

#### Backpacks and Bags

Standard sized backpacks and bags will be permitted. During classes, phones, other electronics and personal belongings should be stored in the student's backpack or bag. Teachers have discretion as to how backpacks and bags are stored in individual classrooms.

#### Lockers

Every student is assigned a locker at the beginning of the school year. Students are not permitted to share lockers, or swap lockers. Lockers should remain locked at all times. School lockers are the property of the school district. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant.

## **V. ESSENTIAL PARTNERS**

#### 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 as they collaborate with the District to optimize their child's educational opportunities.
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. Ensure their children are 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 can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the District.
9. Build positive, constructive 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 that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

#### Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. 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.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
  8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
  9. Address issues of 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 function.
  10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

#### Guidance Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of 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 function.
11. Address personal biases that may prevent equal treatment of all students.

#### Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of 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 function.
7. Address personal biases that may prevent equal treatment of all students.

#### Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and

- learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2. Facilitate regular communication between students/staff and the principal/administrators in a manner that allows for redress of grievances.
- 3. Maintain confidentiality in accordance with federal and state law.
- 4. Evaluate on a regular basis all instructional programs to promote the infusion of civility education in the curriculum.
- 5. Support the development of and student participation in appropriate extracurricular activities.
- 6. Provide support in the development of the code of conduct, when called upon.  
Disseminate the code of conduct and anti-harassment policies.
- 7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 9. Address issues of 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 function.
- 10. Address personal biases that may prevent equal treatment of all students and staff.

#### The Bullying Prevention Coordinator(s)

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2. Oversee the building-level bullying prevention committees and work with the district- wide bullying prevention committees.
- 3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- 4. Coordinate, with the professional development committee, training in support of the bullying prevention committee.
- 5. Are responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
- 6. Address issues of 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 function.
- 7. Address personal biases that may prevent equal treatment of all students and staff.

#### Superintendent

- 1. Promotes a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2. Informs the Board about educational trends relating to student discipline
- 3. Reviews with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
- 4. Maintains confidentiality in accordance with federal and state law.
- 5. Works to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
- 6. Works with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 7. Participates in school-wide efforts to provide adequate supervision in all school spaces.
- 8. Addresses issues of 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 function.

9. Addresses personal biases that may prevent equal treatment of all students and staff.

#### Board of Education

1. Promotes a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintains confidentiality in accordance with federal and state law.
3. Develops and recommends a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborates 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.
5. Adopts and reviews, at least annually, the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Leads by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Addresses issues of 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 function.
8. Addresses personal biases that may prevent equal treatment of all students and staff.

## **VI. REPORTING AND RESPONDING TO ACTS OF HARASSMENT, BULLYING, AND/OR DISCRIMINATION (DASA)**

The building principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee.

The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a school employee otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee

witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the building principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The Principal or the Principal's designee shall ensure that such investigation is completed promptly and investigated in accordance with the terms of district policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a school official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

The Principal, Superintendent, or their designee shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct. The Principal or the Principal's designee shall provide a regular report, at least once during each school year, on data and trends relating to harassment, bullying and/or discrimination to the Superintendent of Schools.

Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination shall be prohibited.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the Principal is the alleged offender, the report will be directed to the Superintendent.

All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

1. promptly investigated in accordance with the terms of District policy;
2. forwarded to the program's Dignity For All Students Act Coordinator for monitoring; and
3. treated as confidential and private to the extent possible within legal constraints.

Prevention is the cornerstone of the District's effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity For All Students Act Coordinator ("DAC").

These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- Professional development for staff members;
- The complaint process; and
- Implementation of the Dignity Act's civility curriculum components.

District designated DASA Coordinators are:

Shana Bruestle, Junior Senior High School Principal, 845-434-6800 ext 2207

Mary Kate Stinehour, Elementary Principal, 845-434-4110 ext 3206

## **VII. PROHIBITED STUDENT CONDUCT**

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

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

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

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

Engage in conduct that is disorderly.

Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

Engage in conduct that is insubordinate.

Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

Engage in conduct that is disruptive.

Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

Engage in conduct that is violent.

Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Vandalism, including but not limited to intentionally damaging or destroying school district property.
8. Making a terroristic threat against the school or another student.
9. Threatening to commit an act of violence.

Engage in any conduct that endangers the safety, physical or mental health or welfare of others.

Examples of such conduct include, but are not limited to:

1. Attempting to engage in or perform an act of violence noted previously.
2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
3. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.

6. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Bullying, which may be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror.
9. Hazing, which includes an induction, initiation or membership process involving harassment.
10. Selling, using, distributing or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Possessing, consuming, selling, offering, accepting, manufacturing, distributing or exchanging Illegal Substances or being under the influence of Illegal Substances.
13. Possessing, using, consuming, selling, purchasing, offering, accepting, manufacturing, distributing, or exchanging Tobacco Products.
14. Inappropriately using or sharing prescription and over-the-counter drugs.
15. Gambling.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
18. Knowingly making false statements or knowingly submitting false information to school staff.
19. Recording another individual including the recording of a physical altercation.
20. Encouraging, aiding or facilitating another student to commit a physical or verbal threat, act of physical violence, or any other act of misconduct listed in this Code.

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.

Engage in any form of academic misconduct.

Examples of academic misconduct include, but are not limited to:

1. Plagiarism
2. Cheating
3. Copying
4. Altering records
5. Direct plagiarism/copying from Artificial Intelligence sites or applications such as, but not limited to, Chat GPT and Google Bard
6. Assisting another student in any of the above actions.

Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:

1. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic texting and/or messaging).
2. Threatening or harassing students or school personnel over the phone or other



electronic medium.

## **VIII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building Principal, the Principal's designee or the Superintendent.

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

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

The building Principal or his or her designee must notify the appropriate local law enforcement agency of those code violations, including but not limited to incidents of harassment, bullying, and/or discrimination, which may constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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

Disciplinary action is always the last resort after alternative intervention strategies have failed. These strategies may include mediation and counseling. Disciplinary action, when necessary, will be fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- ☐ 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 extenuating circumstances

If the conduct of a student is related to a disability or suspected disability, the student shall be referred

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

#### 1. Potential 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. School District personnel are authorized to impose consequences, consistent with the student's right to due process.

- Peer Mediation: Mediation allows for interpersonal and school-based conflicts to be resolved in a cooperative setting. Mediation empowers people to become decision makers in resolving their own conflicts. Student mediators may be available to help their peers resolve conflicts while information remains confidential. Students in need of help resolving a conflict with another person(s) should request mediation by speaking with the mediation advisor or by asking in the high school office. Students who feel that they are in serious conflict should bring their issues to the attention of a teacher, guidance counselor or administrator immediately.
- Verbal warning – any member of the District staff
- Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Assistant Principal, Superintendent
- Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
- Detention – Principal, Assistant Principal, Superintendent.
- Lunch Detention – Students eat lunch in a separate location during their designated lunch period. Students must be on time and sit quietly for the entire time.
  - After-School Detention: Jr./Sr. High School students are kept after school from 2:40-4:40 PM. BCES students are kept after school from 4:00 PM to 4:45 PM. Students must be on time and sit quietly for the entire time.
- Suspension from transportation – Principal, Assistant Principal, Superintendent
- Suspension from athletic participation – coaches, Athletic Director, Principal, Assistant Principal, Superintendent
- Suspension from social or extracurricular activities – activity director, Principal, Assistant, Principal, Superintendent
- Suspension of other privileges – Principal, Assistant Principal, Superintendent
- In-School Suspension/Character Education – Principal, Assistant Principal, Superintendent. Students are kept in an alternative educational classroom for the entire/or part of the school day. Students will be given credit for all work completed and for attendance. Students are not allowed to attend school or school related functions.
- Removal from classroom by teacher – teachers, Principal, Assistant Principal
- Short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education. Students are not allowed to attend school or school-related functions. After-school suspension instruction (PM Program) in the High School will be provided from 1:45-4:45p.m., Monday through Thursday, at the school. At the Elementary School, after-school suspension instruction (PM Program) will be provided from 4:00 – 6:00 PM, Monday through Thursday, at the school. Attendance is mandatory. If a student is absent it will be placed into their attendance record.
- Long-term (more than five days) suspension from school – Principal, Superintendent, Board of Education. Students are not allowed to attend school or school-related functions. After-school suspension instruction (PM Program) in the High School will be provided

from 1:45-4:45pm., Monday through Thursday, at the school. At the Elementary School, after-school suspension instruction (PM Program) will be provided from 4:00 – 6:00 PM, Monday through Thursday, at the school. Attendance is mandatory. If a student is absent it will be placed into their attendance record.

- Permanent suspension from school – Superintendent, Board of Education

## 2. Procedures

The school District will make every effort to make sure that a student receives due process before a penalty is imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

### Detention

The Principal, Assistant Principal, 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.

### Suspension from Transportation

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

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

### In-School Suspension/Character Education Program

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in In-School Suspension or in the Character Education Program.

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

A student who receives a referral while in the Character Education program is subject to suspension out of school.

#### Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management 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 or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office for the remainder of the class time only; or (3) sending a student to a guidance 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 only to the specific class and teacher where the student was removed. A student who is removed from one specific class, in most instances, may continue attending other classes unless the infraction that occurred in the classroom warrants a separate disposition (determined by a school administrator).

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

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

The teacher must complete a District-established disciplinary referral form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the 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 of the student's removal, the Principal or another District administrator designated by

the Principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

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

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

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

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

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

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

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

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

### Suspension from School

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

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

Any staff member may recommend to the Superintendent and/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/or referrals 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 shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

#### Short-term (five days or less) suspension from school

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

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

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision

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

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape 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 15 business days of the date of the Superintendent's decision. 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.

## **X. MINIMUM PERIODS OF SUSPENSION**

### **1. Students who bring or possess certain weapons on school property**

1. Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death 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 consequence, the Superintendent may consider the following:
  - a. The student's age.
  - b. The student's grade in school.
  - c. The student's prior disciplinary record.
  - d. The Superintendent's belief that other forms of discipline may be more effective.
  - e. Input from parents, teachers and/or others.
  - f. Other extenuating circumstances.

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

### **2. Students who commit violent acts other than bringing or possessing certain weapons on school property**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, shall will be subject to suspension from school for at least one day. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian 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 consequence exceeds 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 one-day suspension on a case-by-case basis. In deciding whether to modify the consequence the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of

the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester. If the proposed consequence is the minimum one-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 consequence exceeds a 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 one-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **XI. ALTERNATIVE 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 ensure the provision of continued educational programming and activities for students removed from the classroom or suspended from school, which shall include alternative educational programs appropriate to individual student needs.

## **XII. REFERRALS**

1. **Counseling and Human Services Agencies**  
The Guidance Office shall be responsible for all referrals of students to counseling or, when appropriate, human services agencies.
2. **PINS Petitions**  
The District may file a PINS (Person in Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - o Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - o 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.
  - o Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
3. **Juvenile Delinquents and Juvenile Offenders**  
The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

Any student under the age of 16 who is found to have brought a weapon or firearm to



school, and who is not a 14 or 15 year old student who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The Superintendent is required to refer students who have been determined to have brought a weapon or firearm to school and who are either (a) age 16 and older or (b) 14 or 15 years old and qualify for juvenile offender status under the Criminal Procedure Law §1.20(42) to the appropriate law enforcement authorities.

### **XIII. STUDENT INFRACTIONS AND DEFINITIONS**

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear to all members of the school community including students, teachers and parents/guardians.

The goal of this section of the Code of Conduct is to establish school wide expectations and understanding of the levels of support available to maintain school wide spaces, classrooms, buses and events as safe, nurturing environments where excellence is expected, diversity and individuality are celebrated and learning prepares students to face the challenges of an ever-changing global society.

The listed sanctions are advisory, and, as a general rule, discipline will be progressive. This means that a student's first violation may, depending upon the infraction, merit a lighter penalty than subsequent violations. The following chart provides general guidelines for the District's response to specific infractions, however, the District retains the discretion to impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

### **Levels of Behavior Concerns, Violations and Responses**

Tier 1: Classroom support/teacher managed-universal core instruction Appropriate where the behavior is a minor infraction. RTI classroom supports have been put in place and behavior has been communicated to parent/guardian.	Tier 2: Intensive support staff and appropriate administration May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others. Possibility of short-term suspension.	Tier 3: Suspension May be appropriate given the seriousness of the offense and impact on the school community, and/or when documented interventions and supports have been put in place but the behavior is escalating. Possibility of increased suspension days and/or superintendent's hearing.
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### **Tier 1 (Classroom Managed)**

Includes positive behavioral support interventions both in the classroom and school-wide which are consistent with the FCSD mission statement. Building on established classroom rules and routines, staff members will react to and refocus negative or disruptive behaviors while positively reinforcing the rules outlined in the student Code of Conduct. The goal of Tier 1 interventions is to isolate and address minor disciplinary incidents in the classroom in order to prevent more serious future infractions.

Tier 1 Behavior Concerns	Definitions
Engage in conduct that is disorderly. Examples of such misconduct include, but are not limited to:	
Using Inappropriate Language/ Gestures	Student directly or indirectly delivers verbal messages/ gestures that include swearing, name calling or use of words or gestures in an inappropriate way
Misuse Computer/ Electronic Communications	Student uses technology for non-educational purposes and/or shares or uses others' passwords, but can be redirected immediately
Public Display of Affection	Students engaged in any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well as onlookers. Students are quickly redirected.
Physical Contact	Student engages in physical contact and/or endangers a student(s) or staff but stops when requested.
Engage in conduct that is insubordinate. Examples of such misconduct include, but are not limited to:	

Insubordination/ Failure to Compl	Student initially engages in refusal to follow directions or talks back but does comply, or their actions do not prevent instruction from continuing.
Any Willfully Disruptive Act	Student engages in behavior causing an interruption in a class or activity. Disruption includes loud talking, yelling, or noise with materials; horseplay or roughhousing; and/or out-of-seat behavior. Instruction can continue.
Missing From Class/School	Student is not present in class, leaves without permission or does not return in a reasonable time if given a pass.
Late to Class	Student is late to class less than three times in a marking period
Lying to School Personnel	Student delivers message that is untrue.
Engage in conduct that is disruptive. Examples of such misconduct include, but are not limited to:	
Dress Code Violation	Student wears clothing that does not follow the dress code guidelines and makes appropriate adjustments.

Use of personal electronics	Student engages in inappropriate (as defined by school) use of personal electronics including but not limited to; cell phones,airpods, smart watches, etc and complies with teacher request.
Theft	Student is responsible for removing someone else's property without that person's permission. The item is returned quickly.
Engage in conduct that is violent. Examples of such misconduct include, but are not limited to:	
Physical Contact	Student engages in physical contact and/or endangers a student(s) or staff but stops when requested.
Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such misconduct include, but are not limited to:	
Social Media Infraction/Cyber bullying	Student engages in social media activity during class that disrupts the learning process but complies when asked to stop and learning is able to continue quickly.***
Theft	Student is responsible for removing someone else's property without that person's permission. The item is returned quickly.

Intentional Damage/ Destruction of School Property	Student participates in an activity that results in minor disfigurement of property.
Engage in misconduct while on a school bus. Examples of such misconduct include, but are not limited to:	
Misconduct on Bus	See Tier 2 & 3
Engage in any form of academic misconduct. Examples of such misconduct include, but are not limited to	
Cheating (Academic Misconduct)	Student cheats, plagiarizes, copies or assists others in academic misconduct on classroom assignments (homework, morning work, classwork, etc.). This includes plagiarism from Artificial Intelligence sites or applications such as, but not limited to, Chat GPT and Google Bard.
Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:	
Social Media Infraction/Cyber bullying	Student engages in Social media activity during class that disrupts the learning process but complies when asked to stop and learning is able to continue quickly.

#### Tier 1

Behavior supports & response options:	Potential Consequences:
<input type="checkbox"/> Warning <input type="checkbox"/> Change or re-assign seat <input type="checkbox"/> Conference with student <input type="checkbox"/> Contact parent <input type="checkbox"/> Contract with student <input type="checkbox"/> Conference with other staff members to find out what works <input type="checkbox"/> Mediation with student guidance office or with social worker <input type="checkbox"/> Time out of classroom to re-focus	<input type="checkbox"/> Verbal warning <input type="checkbox"/> Written warning <input type="checkbox"/> Parent notification and conference with administrator, parent and student. <input type="checkbox"/> Lunch Detention <input type="checkbox"/> Suspension from other privileges <input type="checkbox"/> Assignment to in-school suspension for interventions that match student's needs.* <input type="checkbox"/> Immediate removal from classroom or other location to in-school suspension. * <input type="checkbox"/> Incident investigation. * <input type="checkbox"/> Signed agreement made by all parties involved with using a restorative conference approach. **

## **Tier 2: Classroom & Office Managed**

Tier 2 interventions build on the strategies and positive behavioral supports established in Tier 1. A safe learning environment is a productive learning environment. FCSD aims to implement rules in a manner which reinforces desired behaviors and provides an example to encourage students to make healthy, safe and positive choices which promote learning and improve the school atmosphere for both students and staff.

Tier 2 Behavior Concerns	Definitions
Engage in conduct that is disorderly. Examples of such misconduct include, but are not limited to:	
Using Inappropriate Language/ Gestures	Student directly delivers verbal messages/ gestures that include swearing/profanity or use of words or gestures in an abusive manner.
Misuse Computer/ Electronic Communications	Student uses technology for non-educational purposes and/or shares or uses others' passwords.
Public Display of Affection	Students engaged in any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well as onlookers.
Engage in conduct that is insubordinate. Examples of such misconduct include, but are not limited to:	
Insubordination/ Failure to Comply	Student engages in refusal to follow directions, talks back and/or delivers socially rude interactions and instruction cannot continue.
Any Willfully Disruptive Act	Student engages in behavior causing an interruption in a class or activity. Disruption includes sustained loud talking, yelling, or screaming; noise with materials; horseplay or roughhousing; and/or sustained out-of-seat behavior and
Missing From Class/School	Student is not present in class, leaves without permission or does not return in a reasonable time if given a pass.
Late to Class	Student is late to class more than three times in a marking period
Lying to School Personnel	Student fabricates a lie/story with intent to get others in trouble.
Skipping Detention	Student fails to report to detention as assigned by teacher or administrator.

Parking Infraction	Student parks his/her vehicle in an unauthorized location and/or parks on school property without a valid parking permit.
Persistent Tier 1 Behaviors	Student demonstrates a pattern of repeated Tier 1 behaviors which have been documented and addressed with little or no improvement in student behavior.
Engage in conduct that is disruptive. Examples of such misconduct include, but are not limited to:	
Dress Code Violation	Student has been warned more than one time about clothing that does not follow the dress code guidelines and refused to make appropriate
Use of personal electronics	Student engages in inappropriate (as defined by school) use of personal electronics such as cell phones and refuses to comply.
Theft	Student is responsible for removing someone else's property without that person's permission. This could be a repeated offense.
Public Display of Affection	Students engaged in any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well as onlookers.
Engage in conduct that is violent. Examples of such misconduct include, but are not limited to:	
Physical Contact	Student engages in physical contact and/or endangers a student(s) or staff but stops when requested.
Fighting	Student engages in actions involving physical contact where injury may occur (e.g., hitting, punching, hitting with an object, kicking, hair pulling, scratching, etc.).
Intentional Damage/ Destruction of School Property	Student participates in an activity that results in minor disfigurement of property.
Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such misconduct include, but are not limited to:	
Directed Profanity	Student uses profanity that is directed toward any person, staff or student.
Intentional Damage/ Destruction of School Property	Student participates in an activity that results in minor disfigurement of property.

Social Media Infraction/Cyber bullying	Student engages in Social Media activity either inside or outside of the school building that interferes with the learning process.
Misuse Computer/ Electronic Communications	Violation of the school's acceptable use policy.
Smoking/vaping	Student possesses and/or uses tobacco or vaping products.
Harassment/ Bullying/ Intimidation/ All DASA Violations	As defined in this Code of Conduct.
Leaving School/ Class without Permission	Student leaves the school or class without authorization.
Missing From Class/School	Student is not present in class, leaves without permission or does not return in a reasonable time if given a pass or leaves school grounds.
Parking Infraction	Student parks his/her vehicle in an unauthorized location and/or parks on school property without a valid parking permit.
Engage in misconduct while on a school bus. Examples of such misconduct include, but are not limited to:	
Misconduct on Bus	Student engages in behavior that jeopardizes the safety, health, and/ welfare of self, other students, and/or bus driver.
Engage in any form of academic misconduct. Examples of such misconduct include, but are not limited to	
Cheating (Academic Misconduct)	Student cheats, plagiarizes, copies or assists others in academic misconduct on classroom assignments (homework, morning work, classwork, etc.). This includes plagiarism from Artificial Intelligence sites or applications such as, but not limited to, Chat GPT and Google Bard.
Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:	

Social Media Infraction/Cyber bullying	Student engages in Social media activity, texting or other electronic medium off- campus that disrupts the learning process or school function.
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## Tier 2

Behavior supports & response options:	Potential Consequences:
<ul style="list-style-type: none"> <li><input type="checkbox"/> Consistent home communication (weekly)</li> <li><input type="checkbox"/> Check and Connect</li> <li><input type="checkbox"/> Referral and coordination as appropriate with community-based supports and agencies</li> <li><input type="checkbox"/> Restorative conference with all people affected by the incident (all parties must agree to participate)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Verbal warning</li> <li><input type="checkbox"/> Written warning</li> <li><input type="checkbox"/> Parent notification and conference with administrator, parent and student.</li> <li><input type="checkbox"/> Lunch Detention</li> <li><input type="checkbox"/> Suspension from transportation *</li> <li><input type="checkbox"/> Suspension from athletic participation *</li> <li><input type="checkbox"/> Suspension from extracurricular activities *</li> <li><input type="checkbox"/> Suspension from other privileges</li> <li><input type="checkbox"/> Assignment to in-school suspension for interventions that match student's needs. (</li> <li><input type="checkbox"/> Immediate removal from classroom or other location to in-school suspension. *</li> <li><input type="checkbox"/> Incident investigation. *</li> <li><input type="checkbox"/> Signed agreement made by all parties involved with using a restorative conference approach. *</li> <li><input type="checkbox"/> Up to five-day suspension. *</li> <li><input type="checkbox"/> Five-day out-of-school suspension with District Hearing to request possible long-term suspension*</li> </ul>

## Tier 3: Office Managed

Intervention addresses behaviors that may be violent and/or endanger the safety of students and staff as well as seriously jeopardize school and classroom order. Students who exhibit these behaviors are assigned to more intense and individualized interventions.



Tier 3 Behavior Concerns	Definitions
Engage in conduct that is disorderly. Examples of such misconduct include, but are not limited to:	
Using Inappropriate Language/ Gestures	Student directly delivers verbal messages/ gestures that include swearing/profanity or use of words or gestures in an abusive
Misuse Computer/ Electronic Communications	Student uses technology for non-educational purposes and/or shares or uses others' passwords.
Public Display of Affection	Students engaged in any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well as onlookers.
Engage in conduct that is insubordinate. Examples of such misconduct include, but are not limited to:	
Insubordination/ Failure to Comply	Student repeatedly engages in refusal to follow directions, talks back and/or delivers socially rude interactions and instruction cannot
Any Willfully Disruptive Act	Student repeatedly engages in behavior causing an interruption in a class or activity. Disruption includes sustained loud talking, yelling, or screaming; noise with materials; horseplay or roughhousing; and/or sustained out-of-seat behavior and instruction can not continue.
Missing From Class/School	Student is not present in class, leaves without permission or does not return in a reasonable time if given a pass prompting a search for the student(s)
Lying to School Personnel	Student fabricates a lie/story with intent to get others in trouble or to disrupt the learning process..
Persistent Tier1 or 2 Behaviors	Student demonstrates a pattern of repeated Tier 1 or 2 behaviors which have been documented and addressed with little or no improvement in student behavior.
Engage in conduct that is disruptive. Examples of such misconduct include, but are not limited to:	
Use of personal electronics	Student engages in inappropriate (as defined by school) use of personal electronics such as cell phones and refuses to comply which causes significant disruption to the function of school or school related event.
Theft	Student is responsible for removing someone else's property without that person's permission. This could be a repeated offense or a theft of
Public Display of Affection	Students engaged in any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well

Obscene material (using, selling, possessing)	Possession, use or distribution of obscene or indecent material in any medium.
Alcohol/ Illegal Substance Violation	The possession, use, sale, distribution or delivery of alcohol, tobacco, vaping products/paraphernalia or any Illegal Substance, as defined in this Code, It also applies to substances that are not illegal but being possessed, sold or distributed as an illegal substance.
Gambling	Card playing, games of chance, and betting wherein an individual may receive something of value will not be permitted.
Engage in conduct that is violent. Examples of such misconduct include, but are not limited to:	
Directed Profanity	Student uses profanity that is directed toward any person, staff or student.
Fighting	Intentionally causing or attempting to cause physical injury to another person, or intentionally behaving in such a way that could reasonably cause physical injury to another person
Assault/Committing Act of Violence Upon Staff	An act of violence, force or threat means any act that: involves violence, force, or threat; and. results in physical injury; or. reasonably makes you fear death, sexual assault, or physical injury.
Assault/Committing Act of Violence Upon Student	An act of violence, force or threat means any act that: involves violence, force, or threat; and. results in physical injury; or. reasonably makes you fear death, sexual assault, or physical injury.
Threats	Any threat to “blow up” or “shoot up” the school or “kill” or harm an individual whether the intent is deemed serious or not.
Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such misconduct include, but are not limited to:	
Smoking/vaping	Student possesses and/or uses tobacco or THC vaping products.
Leaving School/ Class without Permission	Student leaves the school or class without authorization.
Bullying: Verbal, physical social and/or cyber	Persistent and repeated incident of Bullying targeted at the same person or group.

Social Media Infraction/Cyber bullying	Student engages in Social media activity during class that disrupts the learning process but complies when asked to stop and learning is able to continue quickly. Could be repeated behavior or severe.
Theft	Student is responsible for removing someone else's property without that person's permission. The item is returned quickly.
Intentional Damage/ Destruction of School Property	Student participates in an activity that results in minor disfigurement of property.
Harassment/ Bullying/ Discrimination/ Intimidation/ All DASA Violations	As defined in this Code of Conduct.
Indecent exposure	Exposure to sight of the private parts of the body in a lewd or indecent manner.
Initiating a 911 call or false alarm	
Explosives	Students may not be in possession of or use fireworks, explosives, or any other incendiary devices.
Alcohol/Illegal Substance Violation	The possession, use, sale, distribution or delivery of alcohol or any Illegal Substance, as defined in this Code. It also applies to substances that are not illegal but being possessed, sold or distributed as an illegal substance.
Endangerment	Any conduct that jeopardizes the health, safety, or well-being of the school population. This includes, but is not limited to, bomb threats or the calling in of false alarms or pulling alarms to police, fire or first aid
Fighting	Intentionally causing or attempting to cause physical injury to another person, or intentionally behaving in such a way that could reasonably cause physical injury to another person

Weapons	The possession, handling or transmission of any object which can reasonably be considered a weapon. In accordance with the Gun-Free Schools Act of 1994, any student found guilty of bringing a firearm on to school premises or having such a firearm in his/her possession on school premises, after a hearing has been provided pursuant to section 3214 of the Education Law, may be suspended from school for a period of one
Engage in misconduct while on a school bus. Examples of such misconduct include, but are not limited to:	
Misconduct on Bus	Student engages in behavior that jeopardizes the safety, health, and/ welfare of self, other students, and/or bus driver.
Engage in any form of academic misconduct. Examples of such misconduct include, but are not limited to	
Cheating (Academic Misconduct)	Student cheats, plagiarizes, copies or assists others in academic misconduct on classroom assignments (homework, morning work, classwork, etc.).
Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:	
Social Media Infraction/Cyber bullying	Student engages in Social media activity, texting or other electronic medium off- campus that disrupts the learning process or school function.

### Tier 3

#### Potential Consequences:

- ☐ Assignment to in-school suspension for interventions that match student's needs. \*
- ☐ Immediate removal from classroom or other location to in-school suspension. Incident investigation. \*
- ☐ Parent notification and conference with administrator, parent and student. \*
- ☐ Signed agreement made by all parties involved with using a restorative conference approach. \*\*
- ☐ Up to five-day suspension. \*
- ☐ Five-day out-of-school suspension with District Hearing to request possible long-term suspension. \*

\*Administrative Consequences

\*\* Administrative and/or Counselor/Social worker directed consequences.

## District Cell Phone Policy

### Use of Cell Phone/Electronic Device (Headphones/Earbuds/Video Recording)

Use of any personal electronic device during the school day is prohibited and violations will be dealt with according to the Code of Conduct. Any student caught using a personal electronic device during the school day without authorization will be asked to surrender the device.

A “personal electronic device” is defined as including, but is not limited to: personal cell phones and SMART wearables (such as smart watches and health wearables with a display); iPods and MP3 players; personal iPads, tablets, and other eReaders; personal Laptops, notebooks, or any other personal computing devices; headphones, headsets, or in-ear headphones such as earbuds; and any other device capable of recording audio, photographic, or video content, or capable of viewing or playing back such content, or sending/receiving text, audio, or video messages.

Texting during school hours is never allowed. Use of personal electronic device is permitted before and after normal school hours (9:00 AM – 5:00 PM at BCES and 7:56-2:48 at JSHS). Failure to abide by this rule shall be considered insubordination.

If a student is found using electronic devices during academic hours, the following shall apply:\*

- 1<sup>st</sup> offense: Phone is confiscated and returned to student at the end of the day.
- 2<sup>nd</sup> offense: Phone is confiscated and returned only to parent/guardian.
- 3<sup>rd</sup> offense: Phone is confiscated, returned only to parent/guardian, additional penalty may be considered, per the Code of Conduct.

\*This is in addition to penalties listed in the Code of Conduct.

Any student in possession of an electronic device while taking a State examination shall have the examination invalidated immediately! Test proctors, test monitors, and school officials, shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them while the test is being administered, including break periods. Admission to the test shall be denied to any student who refuses to relinquish a prohibited device.

Some students with disabilities may use certain recording/playback devices provided that such an accommodation is specified in the student’s IEP or 504 Plan. Prohibited devices further may be allowed if there is documentation from a medical practitioner on file at the school that a student requires such a device during testing.

A student shall not make a video recording in the school building or on school property except (i) under the supervision of a teacher or administrator; or (ii) of a school sponsored activity. Additionally, any student who video records in violation of this rule and/or uploads such a video to any social media site (i.e. Facebook, Vine, etc) will be subject to penalties as outlined in the “Disciplinary Options” section of the Code of Conduct. All penalties will be determined by the building principal on a case by case basis.

### Additional Discipline Items

1. In addition to the penalties for disciplinary infractions under this Code of Conduct, an officer of a school club, class or organization can be removed by the Superintendent/Principal for the following

infractions:

- ☐ Possession, sale or use of Illegal Substances
- ☐ Assault of a student or staff member
- ☐ Harassment
- ☐ Inappropriate or illegal behavior in the community or on school sponsored field trip
- ☐ Continued disruptive behavior
- ☐ Any other occurrence as described in the Student Handbook

2. A student can be prohibited by the Superintendent/Principal from attending a non- academic field trip or school sponsored event (i.e. Senior Trip, Prom, etc.) if he/she has committed any of the infractions outlined in #1 above.

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

The Board recognizes that at times it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the District's Code of Conduct. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Procedures followed for suspending, removing or otherwise disciplining students with disabilities shall be consistent with the procedural safeguards required by applicable State and Federal laws and regulations relating to students with disabilities, including but not limited to the Individuals with Disabilities Act (IDEA), Chapter 33 of Title 20 of the United States Code, Part 300 of the Regulations of the Offices of the Department of Education, Education Law Section 3214, and Part 201 of the Regulations of the Commissioner of Education.

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

#### **XV. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

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.
- ☐ Protect the property of the school or others.
- ☐ 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.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed.

Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

## **XVI. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the students. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building Principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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 expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. Searches will be documented by the authorized school official conducting the search.

### **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. If law enforcement seeks to interrogate or remove a student, the District is required to immediately contact the student's parents or legal guardians to arrange for their presence, if possible, or obtain their consent unless law enforcement::

- ☐ Has a warrant for the arrest of the student; or
- ☐ Has a court order authorizing the removal or interrogation of the student; or
- ☐ Is investigating a possible crime and law enforcement determines either: (a) exigent circumstances exist; (b) there is an immediate threat of serious physical harm; or (c) there is an emergency and immediate need for assistance.

### **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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property must be made directly to building Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. The Principal or designees will decide if it is necessary and appropriate for a school official or other school staff to be present during the interview, either inside or outside the interview room, depending on the age of the student being interviewed and the nature of the allegations.

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 or she were not removed from school before a court order can reasonable be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **XVII. STANDARDS AND PROCEDURES TO ASSURE THE SECURITY AND SAFETY OF STUDENTS AND SCHOOL PERSONNEL**

The District has established a District-level school safety plan and a building-level emergency response plan for each District school, which have been developed in accordance with applicable law and regulation to assure the security and safety of students and school personnel.

## **XVIII. VISITORS TO THE SCHOOLS**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building Principal or his or her designee is responsible for all persons in the building and on the grounds.

Anyone who is not a regular staff member or student of the school will be considered a "visitor." All visitors are expected to abide by this Code of Conduct.

All visitors to the school must report to the main lobby desk 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 main lobby desk 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 unless it occurs during the school day.

Parents, guardians or invited guests who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and the building Principal, so



that class disruption is kept to a minimum. The Principal will determine the appropriateness of a classroom visit, taking into considerations several factors including but not limited to the reason for the visit, the timeliness of the visit, teacher concerns, student concerns and parental concerns. Teachers are expected not to take class time to discuss individual matters with visitors.

Any persons on school property believe to be unauthorized must be reported to the Principal or his or her designee. District administrators have the authority to determine whether a visitor has an authorized reason for being on school property. If the visitor is judged by the administrator not to have an authorized reason, the visitor will be asked to leave. The police may be notified if the situation warrants.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. 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. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including but not limited to students, parents, teachers, District personnel, and other visitors to the District. District.

To create and maintain this kind of an environment, it is necessary to establish rules to regulate public conduct on school property and at school functions. Such rules, as well as consequences for violation of such rules, are contained in this Code. Prohibited conduct for members of the public on school property shall include, but not be limited to the following:

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute, display or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Threaten, intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, illegal substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.

13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Commit any of the acts prohibited by this Code, or willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### C. Enforcement

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

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 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.

### **XX. DISSEMINATION AND REVIEW**

#### A. Dissemination of Code of Conduct

The Board will work to promote community awareness of this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.

4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

#### B. Review of Code of Conduct

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

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

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

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.