

**2022-23 Mechanicville CSD Elementary  
Code of Conduct**



The Mechanicville City School District's Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal. The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the board adopts this Code of Conduct ("Code") Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. DEFINITIONS For purposes of this Code, and in accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment by school employees or students on school property, on a school bus, or at a school function. Students are protected from any discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, hairstyle/texture or coverings or sex. The following definitions apply:

**"Bullying"** - Any form of mistreatment based on race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

**"Cyber bullying"** - Harassment or bullying by any form of electronic communication, and include incidents occurring off school property that create or would foreseeably create a risk of substantial disruption within the school environment.

**"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 impairment; or (c) a condition regarded by others as such impairment. In all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**"Discrimination"** is the act against any student by employees or students on school property, or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse of such a severe nature that: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (b)

reasonable causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include but is not limited to threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided nothing in this subdivision shall be construed to prohibit denial of admission into, or exclusion from, a course of instruction based on a persons' gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality.

**“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.

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

**“Gender”** shall mean actual or perceived sex and shall include a person's gender identity or expression.

**“Harassment”** shall include the creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental emotional, or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior (including verbal threats, intimidation or abuse) may be based on any characteristic, including but not limited to a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (including gender identity and expression).

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

**“School property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.

**“School bus”** shall mean 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, or to/from school activities; or, privately owned and operated for compensation for the transportation of pupils, children of pupils teachers and other persons acting in a supervisory capacity to or from school or school activities.

**“School function”** means any school-sponsored extracurricular event or activity.

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality.

**“Violent student”** 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. Possesses a weapon while on school property or at a school function.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property. "Weapon" means a firearm as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. It also means any other gun, 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 cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

#### **Student Rights**

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, weight, ethnic group, sex, national origin, religion, religious practice, gender (including gender identity and expression) 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 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 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 all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and 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 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 control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
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 hold themselves to the highest standards of conduct, demeanor and sportsmanship.

## **Essential Partners**

The Board of Education recognizes the essential roles of all members of the school community, including parents, students, administrators and principals, teachers, guidance counselors, support staff and other school personnel in promoting a positive, healthy and harassment free environment. Collaboration is essential in promoting and fostering a school environment that promotes tolerance, respect and dignity for all persons within the school community. School administrators, teachers, staff and other school personnel are charged with providing an age appropriate and timely response to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

**Parents** All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation 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, 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. 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.
  - f. Communicate regularly with students, parents and other teachers concerning growth and achievement.
  - g. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
  - h. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
  - i. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Guidance Counselors** – All guidance counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Support Staff** - Secretaries, monitors/aides, bus drivers, custodial and cafeteria staff, substitutes, and other non-instructional staff are expected to:

1. Be familiar with the school's student-related policies and rules, and enforce them as appropriate, or at a minimum, report violations to a supervisor.
2. Promote and perform in a work atmosphere that supports these policies and rules designed to ensure student safety and accountability.
3. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Principals** - All Principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate, on a regular basis, all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator.

**Superintendent** is expected to:

1. Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

**Board of Education** is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will 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/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

### **Student Dress Code**

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.

A student's choice of clothing and/or jewelry shall:

1. Not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear, stomach and private areas are completely covered.
4. Include footwear at all times.
5. Not include the wearing of headgear in the classroom except for a medical, social/emotional need or religious purpose.
6. Not include items that are vulgar, obscene, denigrate others on account of actual or perceived race, color, weight, religion, religious practice, national origin, gender, ethnic group, sex, sexual orientation, gender (including identity and expression) or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, vape, drugs and/or encourage other illegal or violent activities.
8. **Students will be asked to change their clothing if the clothing worn to school violates any of the above statements.**

Each Building Principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.



Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item before returning to/entering class.

Families will be notified if there are any concerns regarding the attire of their student(s) in regards to dress code compliance.

### **DIGNITY FOR ALL STUDENTS ACT**

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

The Board of Education is committed to providing all its students with an environment free from discrimination and harassment and shall take steps to prevent harassment and discriminatory behaviors through educational measures designed to promote tolerance, respect for others and to promote awareness and sensitivity to discrimination or harassment to encourage civility and a climate of mutual respect, equality and dignity for all students on school grounds and at all school sponsored activities, programs or events.

Harassment against any student by any student or employee that creates a hostile environment by conduct will not be tolerated.

Essential components of this effort shall include:

- Instruction and strategies which identify early warning signs and precursor behaviors which, if left unaddressed, may lead to discrimination, harassment or bullying;
- Gathering information related to harassment, discrimination or bullying from students, parents, school staff and the community;
- Establishing school wide and classroom rules that clearly prohibit discrimination and harassment.
- Providing professional development and school wide training to staff to be able to identify, respond sensitively and consistently to incidents of harassment and bullying as well as to promoting tolerance and respect for all.
- Providing adequate adult supervision, particularly in less structured areas such as hallways, cafeteria and playground, as applicable.
- The Board of Education will appoint a Dignity Act Coordinator for each school.
- The District will submit and report to the State on an annual basis material incidents of discrimination and harassment on school grounds or at school functions, using the SSEC reporting form developed by the State Education Department.

The Board of Education recognizes the need to clearly define expectations for acceptable conduct on school property by staff and students and to identify the possible consequences of unacceptable conduct, to ensure that discipline is administered promptly and fairly when necessary. To this end, the Board adopts this code of conduct. Unless otherwise indicated, the code of conduct applies to all students, school personnel, parents and other visitors when on school property or at school functions.

### **Prevention and Training**

The Board of Education directs training for employees, including school and district administrators, and instructional and non-instructional staff designed to promote a safe and supportive school climate while discouraging discrimination or harassment against students by students or school employees, including the use of safe and supportive school climate concepts in the curriculum and classroom. The Board will review and approve training guidelines developed by the district-wide task force consistent with this training policy. This training may be provided in conjunction with existing professional development training or any other training for school employees. Staff members and students will be educated to help create a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender (including gender identity or expression, actual or perceived) or sex which will help strengthen student's confidence and promote learning. Staff shall also be trained to recognize that under federal civil rights laws and regulations, students are protected from harassment by school employees, other students and third parties. They shall also be trained to understand that some student misconduct which violates or falls under the District's anti-discrimination or anti-harassment policies may also implicate one or more of the federal civil rights laws enforced by the Office of Civil Rights of the Education Department.

Staff members will be provided training to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functions. Staff members will be trained to recognize and respond to incidents of discrimination and harassment and to timely report incidents of discrimination and harassment that they witness or that are brought to a staff member's attention. Through training, staff will learn to address personal biases that may prevent the equal treatment of all students in the school or classroom setting and to promote and maintain a climate of mutual respect and dignity for all students to strengthen student's confidence and to promote learning. Teachers and administrators will receive district-wide professional development. All staff with direct student contact will receive district-wide instruction on promoting a positive school environment free from discrimination and to discourage and respond to incidents of discrimination or harassment. The Superintendent and the Professional Development Coordinator will incorporate training to support this anti-discrimination and harassment policy into new teacher orientation and the annual professional development plan.

## **Student Instruction**

Students shall receive instruction in patriotism and citizenship as required by Section 801 of the Education Law. In addition, students shall be instructed to raise awareness and sensitivity to discrimination or harassment and to promote civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, gender expressions or identities and sexes. Curricular materials related to the above topics will be included in the instructional program for grades K-12.

## **Dignity Act Coordinator**

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

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

To promote the communication between parents, teachers, students and other educational professionals and to publicize the availability of the DAC as a resource at each school, the name, designated school and contact information for each DAC shall be available on the district’s website; included in the plain language code of conduct summary provided to all parents and students before or at the beginning of each school year; included in at least one district or school mailing per school year and if the DAC changes, in at least one subsequent mailing as soon as practicable thereafter; by posting the contact information in highly visible areas of the school buildings and by making the contact information available at the District and school-level administrative offices.

## **Intervention**

Intervention at the earliest stage possible is the key to preventing escalation of harassment and discrimination and to encourage proactive resolution to promote a positive learning environment

for all students. Intervention efforts will emphasize measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees focusing on education and should be designed to discourage another occurrence of the behavior.

Successful intervention may involve remedial measures. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remediation may be targeted to the individual(s) involved in the harassing or discriminatory behavior or may include environmental approaches which are targeted to the school or district as a whole.

Individual-focused remedial measures may include, but are not limited to peer support groups; corrective instruction or other learning or service experience; supportive interventions; behavioral assessment or evaluation; behavioral management plans with closely monitored benchmarks; student counseling and parent conferences.

Environmental remediation strategies may include supervisory systems that empower school staff with prevention and intervention tools to address incidents of bullying and harassment; strategies for determining the conditions contributing to discriminatory behaviors; adoption of research-based, systemic harassment prevention programs; modification of schedules; adjustment in hallway traffic and other student routes of travel; targeted use of monitors; staff professional development; parent conferences; involvement of parent-teacher organizations and peer support groups.

In addition to addressing the discriminatory or harassing conduct, intervention shall also include support and assistance to the student that was the target of the harassment as well as identification of prompt and effective steps reasonably calculated to end the harassment; to eliminate any hostile environment and to prevent such conduct from reoccurring. When harassment has occurred, staff, in conjunction with the DAC, the parents and the student, as appropriate, shall review whether the student requires counseling support, accommodations or other services to remedy the effects of the harassment and if there is a need, shall provide such services or support.

Accommodations and on-going supports provided to a target of harassment shall be reviewed, as needed, to ensure that any safety concerns have been addressed and to determine whether accommodations or supports should be continued, adjusted or discontinued.

### **Reporting and Investigation**

The District recognizes its ongoing commitment to provide a safe and positive educational climate free from bullying and harassment and will publicize its policies and reporting expectations for incidents of harassment or discrimination. To ensure effective and timely redress to incidents of bullying and harassment, students who have been harassed, students or staff who have witnessed what they believe to be an incident of bullying or harassment are

encouraged and expected to promptly make a written or verbal complaint to school personnel in a manner consistent with publicized school-wide practices and guidance as soon as possible after the incident. The district can't effectively address harassment or bullying if incidents are not reported. All school personnel have a duty to report incidents of student to student or staff to student harassment which they observe to their supervisor, the building administrator or the DAC. If school personnel receive any reports of incidents of harassment against a student by staff or other student(s), they must promptly relay the report to their supervisor, the building administrator or to the DAC as set forth in the implementing procedures for this policy. If a staff member is unfamiliar with the reporting procedure, it is their obligation to inquire about the process from their supervisor and to act accordingly. An employee who fails to report an observed incident, regardless of whether the student complains, may be deemed to have permitted unlawful discrimination or harassment.

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

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

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

To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. The District will balance its legal obligation to conduct its investigation, to take necessary action to resolve the complaint and to provide procedural rights to the individual(s) accused of the harassment or discrimination through the investigation. Individuals responsible for investigating complaints will discuss any concerns or issues related to confidentiality with the individuals involved. Complainants must be

informed that the District's need to respond effectively to the harassment and to prevent reoccurrence is a critical part of the investigation. All complainants shall be advised that district policy and federal law prohibit retaliation against complainants and witnesses. If the complainant, witness or reporting staff member believes that they have experienced retaliation, they need to report this issue as soon as possible to the District for appropriate responsive action to address and to prevent retaliation from recurring, if applicable.

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

### **Disciplinary Consequences/Remediation**

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

If the discriminatory or harassing behavior rises to the level of criminal activity, law enforcement will be contacted. Progressive discipline consequences will be considered in response to instances of discrimination or harassment and the individual imposing consequences shall consider the nature and severity of the misconduct, the developmental age of the student, and the student's history of problem behaviors, prior interventions and the student's response and must be imposed in a manner consistent with the district's Code of Conduct.

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

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

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee or student on school grounds or at a school function who reports such information to school officials, the Commissioner or law enforcement, who reports and acts in good faith, shall be immune from civil liability from making such a report. In addition, all complainants; those who participate in the investigation of a complaint in conformity with state

law and district policies, or who are required to testify, participate or assist in the investigation procedure shall be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### **Prohibited Student Conduct**

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties 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:**

1. Running in hallways.
2. Using language or gestures that are profane, lewd, vulgar or abusive.
3. Obstructing vehicular or pedestrian traffic.
4. Engaging in any willful act which disrupts the normal operation of the school community.
5. 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.
6. 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.
7. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration)
8. Use or sale of any vaporizer devices on school grounds.

### **Engage in conduct that is insubordinate**

Examples of insubordinate conduct include:

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. Leaving the classroom, designated area or school without permission.

### **Engage in conduct that is disruptive**

Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

### **Engage in conduct that is violent**

Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching)
2. 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.
3. Threatening to use any weapon.
4. Intentionally damaging or destroying personal property of others.
5. Intentionally damaging or destroying school district property.
6. Engaging in harassing conduct, verbal threats, intimidation, or abuse that causes a student to fear for his or her physical well-being.

### **Engage in any conduct that endangers the safety, health or welfare of others.**

Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of others while on school property.
3. Discrimination, based on a person's actual or perceived race, age, sexual orientation, color, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity or disability as a basis of treating another in a negative manner.
4. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
5. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
6. Selling, using or possessing obscene material.



7. Using vulgar or abusive language, cursing or swearing.
8. Smoking a cigarette, electronic cigarette or other vaporizing device, cigar, pipe or using chewing or smokeless tobacco will result in immediate mandatory suspension out of school for such an infraction.
9. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products, electronic cigarettes, or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs." Such an infraction will result in immediate mandatory suspension out of school for such an infraction.
10. Inappropriately using or sharing prescription and over-the-counter drugs will result in immediate mandatory suspension out of school for such an infraction.
11. Gambling.
12. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner will result in immediate mandatory suspension out of school for such an infraction.
13. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher will result in immediate mandatory suspension out of school for such an infraction.

### **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, harassment, discrimination and fighting will not be tolerated and will be addressed through progressive discipline.

### **Engage in any form of academic misconduct**

Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

## **Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a trusted adult in the school and/or their parents. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

Any 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 that 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 within 24 hours of the incident, or the next business day. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES**

Students are prohibited from using a personal cellular telephone or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors.

Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying (See definition above). If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept powered off and if carried on the person, done so in a concealed manner.

The use of cell phones by students is prohibited between arrival at the school door and exiting the building unless the use is part of a teacher or administrator-approved educational activity.

In the event of a lost or stolen electronic device (phone, iPod, etc.), the student or parent will need to file a police report. Students and their parents assume all responsibility for these items if they are brought to school. The school will not replace lost or stolen electronic devices.

## **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 students' ability to grow in self-discipline.

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

- 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.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **Penalties**

Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination.

1. Warning
2. 30 minute detention after school
3. 45 minute detention after school
4. 60 minute detention after school
5. 90 minute detention after school
6. Detention
7. Hallway Restriction
8. Assigned seat at lunch
9. In school suspension
10. Out of school suspension

11. Conference with student
12. After school with teacher
13. Suspension of privileges
14. Reconcile with staff
15. Parent contact
16. Conference with parent
17. AM detention
18. Lunch Detention
19. 30 minute detention
20. 45 minute detention
21. 60 minute detention
22. 75 minute detention
23. Sent out of class
24. Community Service
25. Mediation
26. Administrative intervention
27. Reconcile with target
28. Superintendent Hearing
29. Superintendent Suspension
30. Other

### **Procedures**

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 individuals involved will have an opportunity to present their version of the facts.

Students who are to receive a consequence other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

1. Detention - Principals 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. Teachers may also assign teacher detentions as necessary. These will be held in the individual teacher's classroom.
2. Suspension from transportation - If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount

to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

3. Community Service - A child may be given the option to serve community service hours rather than be subject to typical school consequences (ISS, OSS, Detention). When this option is chosen, the student will be given tasks that will help improve school culture or appearance.
4. In-school suspension (ALE – Alternative Learning Environment) - Building principals have the option to place students who would otherwise be suspended from school as the result of a code of conduct violation in in-school suspension or an alternate learning environment.
5. Removal from class - If a student is causing a significant disruption to education, there is a possibility that they will be removed from class for a short period of time. During this time, the student may speak with the classroom teacher, a trusted adult, the principal or any other professional in the building. The purpose of this removal is to “reset” the student and get them back into their educational programming.

### **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, health or welfare of others.

All staff members must immediately report and refer a violent student to the principal for a violation of the code of conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible.

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

When the principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally.

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 ParentSquare, 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. 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.

After the conference, the principal shall promptly advise the parents in writing of his or her decision for the suspension. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.

The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent 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 for 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, at 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 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

## **Permanent suspension**

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

## **Minimum Periods of Suspension**

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

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. 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 Section 3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### Referrals

1. Counseling - The Guidance Office, Social Workers, and/or Psychologist shall handle all referrals of students to counseling, under the direction of the administrator.
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:
  - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possessing marijuana in violation of Penal Law Section 221.05. A single violation of Penal Law Section 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:
  1. Any student under the age of 16 who is found to have brought a weapon to school, or
  2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law Section 1.20(42). The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### **ALTERNATIVE INSTRUCTION**

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



## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever a suspension involves a change of placement.

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.

### **Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.
  - a. A “suspension” means a suspension pursuant to Education Law §3214.
  - b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES).
  - c. An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
  - d. “Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
  - e. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - f. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substance Act or any other federal law.
  
2. Suspensions of students with disabilities up to 10 days in the course of a school year. Subject to section 3 below, school personnel may order the suspension or removal of students with a disability from their current educational placement as follows:
  - a. The Building Principal may direct the placement of a student with a disability to an IAES, another setting or suspension for a period not to exceed five consecutive school days to the same extent as applicable to non-disabled

students. Upon any suspension and/or request for a superintendent's hearing regarding a student with disabilities, the Principal shall immediately notify the CSE chairperson and forward immediately a copy of the notice sent to the parents as required by Education Law §3214.

- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for an additional period not to exceed a total of 10 school days to the same extent as applicable to non-disabled students.
3. Suspensions of students with disabilities over 10 days in the course of a school year- No student with disabilities shall be suspended for more than 10 school days over the course of a school year without provisions for the continuation of free appropriate public education ("FAPE").
- a. Prior to any suspension by the Building Principal over ten school days in the course of a school year, the Principal shall, in consultation with the Special Education Teacher and the Special Education Director or his/her designee, determine whether the imposition of further suspension constitutes a change in placement. To determine whether any cumulative suspension for more than ten days constitutes a pattern of suspension which constitutes a change of placement, the principal in consultation with the Special Education Director or his/her designee, shall consider, at a minimum:
    - i. the length of each suspension or removal
    - ii. the total amount of time the student is removed
    - iii. the proximity of the suspensions or removals to one another, and
  - b. Except in cases involving weapons or drugs as defined herein, if the Principal determines that a proposed additional suspension over ten school days constitutes a change in placement, the Principal shall not impose any further suspension until the CSE has convened to determine whether the student's behavior is related to the student's disability.
  - c. If the principal after consultation with the Director of Special Education, determines that the proposed suspension does not constitute a change in placement, the Principal shall, in consultation with the Special Education teacher and Special Education Director or his/her designee, ensure the provision of a FAPE for the duration of any suspension imposed over the course of the school year.
  - d. In the event the Principal in consultation with the Director of Special Education determines that the proposed suspension does not constitute a change in placement, and the principal seeks to impose, within the course of the school year, additional short term suspensions, the principal in consultation with the Director of Special Education shall review such proposed suspensions to determine whether it constitutes a change of placement as defined in paragraph (a).
4. Suspensions or removals that constitute a change of placement

The Superintendent may order additional removals of more than 10 consecutive school days in the same school year for separate incidents of misconduct, in accordance with the following procedures:

- a. In cases involving weapons or drugs as defined herein, the Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 calendar days, upon a finding that the student possessed a weapon in school or at a school function or knowingly possessed an illegal drug or controlled substance as defined above, or was otherwise involved in its sale or solicitation.
- b. If the Superintendent concludes upon a finding of guilt that maintaining the student in his or her current educational placement is dangerous, the Superintendent shall refer the matter to the committee on special education to determine whether any additional steps can be reasonably taken to minimize the potential for harm and to conduct a manifestation determination. If the committee is unable to identify any additional supports or services to eliminate the danger, and the committee is unable to reach a mutually agreeable alternative plan to continue the provision of FAPE in another location, the Director of the Special Education, shall, after consultation with the Superintendent, initiate an expedited hearing as defined in Commissioner's regulations or petition a court to seek permission to invoke a unilateral removal of the student to address the risk of harm that the student's continued attendance in his or her present educational placement would present to the student or to others.

In the event the 45 day IAES placement is expiring and the student is still considered dangerous, and the parent and district have not reached a mutually agreeable alternative placement, the Director of Special Education, upon consultation with the Superintendent, may initiate another expedited impartial hearing or seek an order from the court to obtain an order to extend the student's IAES placement to the extent deemed necessary to provide a safe school environment.

5. Rules regarding the suspension or removal of students with disabilities involving a change of placement
  - a. Upon referral of a student to the CSE of a student with a disability facing a disciplinary change of place, the District's Committee on Special Education shall immediately contact the parent by phone, to the extent possible and upon written notice shall schedule an expedited meeting of the CSE to review the following:

To conduct a manifestation determination in accordance with 8 NYCRR 201.

1. Except as provided in paragraph 4(a), unless the parent and district agree otherwise, if the committee determines that the student's behavior is

related to the student's disability, the student shall be returned immediately to his/her current educational placement and no further suspension shall be imposed except upon the order of a hearing officer or the court.

2. If the committee determines that the student's behavior leading to the student's suspension is not related to his/her disability, the committee shall arrange for an interim provision of FAPE during the period of any further suspension imposed by the Principal or the Superintendent and the student shall be referred back to the Superintendent, where applicable, for disposition. Prior to ordering further suspension, the Superintendent shall review the student's special education and disciplinary file.
  - a. In addition to a 45 day removal of a student with a disability to an IAES pursuant to (4)(a) as set forth above, the Superintendent shall invoke an additional suspension upon a student with a disability who possesses or carries to school or to a school function a weapon or who knowingly possesses, sells or solicits an illegal drug or controlled substance as defined herein, from his current educational placement to the same extent as a non-disabled student for the same offense where the committee on special education determines that the student's behavior is not related to the disability.
  - b. Notwithstanding any provision to the contrary, where the committee finds deficiencies in the IEP, the CSE shall recommend a change in program, and where the committee determines that the placement of the student is not appropriate, the district shall work with the parent to conduct further evaluation to the extent deemed necessary and to recommend and implement a change of placement, as soon as possible.
  - c. To arrange or review, as applicable, a functional behavioral assessment and a behavioral intervention plan.
  - d. If a student with a disability has a behavior intervention plan and has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subject to another suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall be required to review the behavioral intervention plan and its implementation to determine if modifications are necessary if requested by one of its members.
  
6. Placement of students during expedited hearings challenging a removal or disciplinary change of placement of a student with a disability Except as provided in paragraph 4(a) or upon the placement of a student in an IAES pursuant to an order of a hearing officer or a court, such student shall return to the student's

current educational placement pending the proceeding, unless the parent and district agree otherwise.

7. Students presumed to be disabled
  - a. Upon the request of a parent, or school personnel, the Principal in consultation with the Director of Special Education shall determine whether such student is a child presumed to have a disability as defined under 8 NYCRR 201.5. If the principal in consultation with the Director of Special Education concludes that such student is presumed to be disabled, such student shall be afforded the same protections as a student with a disability and receive an expedited evaluation, upon receipt of parental consent, to determine whether the student is a child with a disability.
  - b. If the principal determines that a student subject to a suspension is not a student presumed to have a disability as defined herein the student shall be subject to the same disciplinary measures as a nondisabled student who engaged in comparable behaviors.

If a person authorized to refer a student to the committee on special education for an individual evaluation initiates a referral after the behavior which led to the suspension occurred, the child shall receive an expedited evaluation as defined in Commissioner's Regulations, with the consent of the parent, except where the Committee determines, based on a prior evaluation, that the student is not disabled, or where it is determined, upon consultation with the committee members, that an evaluation is not necessary and notice of the determination is provided to the parents. Until the expedited evaluation is completed and the CSE has convened, such student shall be subject to the same disciplinary measures as a non-disabled student who engaged in comparable behaviors. 8. Notice of proposed disciplinary change of placement or removal The District shall provide parent of a student with a disability with written notice of a disciplinary removal no later than the date on which a decision is made to change the student's placement to an IAES or to invoke a disciplinary change of placement. B. Nothing in this policy governing the extra procedural safeguards applicable to students with disability, shall excuse compliance with the procedural safeguards governing the suspension of any student.

- c. Referral to law enforcement and judicial authorities In accordance with the provisions of IDEA and its implementing regulations:
  1. In accordance with policy, the district shall report alleged crimes committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

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

### **CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is **strictly forbidden**. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

### **STUDENT SEARCHES AND INTERROGATIONS**

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct.

Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In 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.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will

be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

1. 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.
2. Documentation of Searches

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

- a. Name, age and grade of student searched.
- b. Reasons for the search.
- c. Name of any informant(s).
- d. Purpose of search (that is, what item(s) were being sought).
- e. Type of scope of search.
- f. Person conducting search and his or her title and position.
- g. Witnesses, if any, to the search.
- h. Time and location of search.
- i. Results of search (that is, what item(s) were found).
- j. Disposition of items found.

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

## Police Involvement in Searches and Interrogations of Students

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

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

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

## Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district



medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

### **VISITORS TO THE SCHOOL**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
5. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **STUDENT GUESTS OF MECHANICVILLE**

Guests of Mechanicville Elementary School students invited to participate in extracurricular activities (special events, dances, book fair, etc) are subject to the Mechanicville Code of Conduct. In addition to submitting a permission form, guests may be interviewed by the building principal. The building principal has the authority to grant or deny permission to an extracurricular activity based on the willingness of the guest to comply with the Code of Conduct or if the guest's character is in question.

## **EXTRACURRICULAR CLUB AND ACTIVITIES**

School clubs, school activities, class officer positions, student council participation, and members of each year's class are offered opportunities to participate in various programs and activities that are either extensions of the classroom, recreational, and/or entertainment based. These clubs and activities are meant to serve as avenues for leadership, social development, and assist in the development of skills, attitudes, and knowledge that will prepare students for post-secondary experiences.

All Mechanicville City School District students participating in extracurricular activities are required to abide by the same eligibility guidelines and disciplinary regulations as students participating in athletics. The school administration shall enforce the regulations of the Mechanicville Code of Conduct for extra-curricular clubs and activities. Violations of school rules, inappropriate behavior, and unlawful behavior (whether on or off school grounds) may result in suspension or determination of ineligibility to participate in extracurricular clubs and activities.

## **DANCE & EVENING EVENT PROTOCOL**

All guests must have a permission slip from their school, signed, including guardian contact information at least a day prior to the event. Guests will not be allowed into the event without prior administrative approval. The Principal reserves the right to refuse guest permission to our event based on the information included on this permission slip. One guest per Mechanicville student (Permission slips are in the main office and guidance office).

\* A guest is defined as: A parent or guardian, a high school age student (grades 6-12) who is currently enrolled in a high school other than Mechanicville Jr.-Sr. High School. Home-schooled students who are high school age (grades 6-12) may also attend with a permission slip filled-out by their parent/guardian.

\* Bags/Backpacks MUST be left in the lobby. Chaperones may search ALL bags prior to the student entering the event.

\* No outside food or drink is allowed into the event.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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.

**No person, either alone or with others, shall:**

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, age, gender (identity and expression), sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, electronic cigarettes or be under the influence of these 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. 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.

**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 Section 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 Section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **ATTENDANCE**

### Student Absence

School attendance is a legal matter. It is mandated by statute and by rules and regulations of the New York State Department of Education. Upon returning to school after an absence, a student must present a note stating the reason for the absence.

The school, in administering the state policy, defines the most commonly used attendance terms as follows:

## Excused Absence

### Absence Notes

An excused absence from school or class is an absence for one of the reasons listed below and for which the required parental note of explanation has been presented on the first or second day of the student's return to school or class.

### Academic Make-up work

Following such an absence the student will be allowed to make up all work missed, to take tests which were missed, and to submit any assignments which become due during the absence.

### Excused Absences

The following excuses are recognized as valid for necessary and legal absence:

1. Illness of child, attested, if necessary, by a physician's certificate.
2. Contagious disease within the home of a pupil.
3. Death in the immediate family or of a close friend.
4. Legal business.
5. Observance of a religious holiday.
6. Remedial health treatment.
7. Prearranged absence to visit a college or university, and/or for other emergency situations as determined by the school principal.
8. Suspension.

Excused absence for other reasons must have approval of the school administration and will be considered on the basis of 'whether it is necessary and in the best interest of the child and parents.' Parents and students must understand that writing a note does not excuse a student for an absence unless it can be considered as a necessary and legal absence. Students absent from school for any reason not listed above, with or without parental knowledge, shall be considered unexcused. Students who, after sufficient warning, fail to submit an acceptable note for absences will be subject to disciplinary action. A statement from the family may be required.

Parents are asked to phone the school at 518-664-7336 before 8:00 am on the day of each absence. The student is responsible for making up any classwork missed. Students should refer to google classroom to review any assignments that were missed from the date of the absence. Students returning from absences will present notes to the office.

### Tardiness/Early Dismissal

Students arriving late or being dismissed early from school will be required to present a doctor's note, appointment card or other legal document to excuse the late arrival or early dismissal. Failure to provide such a note will cause the tardy/dismissal to be marked as illegal.

## **DISSEMINATION AND REVIEW**

### **Dissemination of Code of Conduct**

The board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
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 code available for review by students, parents and other community members. This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks and posted on the District's website. The District will ensure that the process of reporting incidents of harassment or bullying is clearly explained both in the policy, the plain language summary and on the complaint form.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. 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.

The board of education 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 no later than 30 days after adoption.