

**North Collins Central School District**

Code of Conduct

Adopted 6-8-2021

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## I. INTRODUCTION

The North Collins 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 set of expectations for conduct on school property, at school functions (on and/or off site), and off school property that may be related to the safety and welfare of the school environment. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. It is essential that a safe learning environment is afforded to all students, one that is free from discrimination and harassment on the basis of sex, gender identity, gender nonconformity and gender expression. In accordance with applicable laws and regulations, the District will ensure that students have equal access to school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

The Board recognizes the need to define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. In addition to the expectations articulated in this code, the district recognizes that there are other adopted Board of Education policies that govern behavior and decorum.

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property, attending a school function, and off school property when such conduct may interfere with the safe operation of school.

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

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

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

“School property” means anything owned by the district, in or within any building, structure, athletic playing field, playground, parking lot or other land owned by the district, including on a school bus and/or contracted vehicle.

“Off-campus conduct” means conduct off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation and/or abuse might reach school property.

“School function” means any school-sponsored extra-curricular event or activity, on and/or off site.

“Violent student: means a student under the age of 21 who:

1. Commits an act of violence upon a school employee.
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.
3. Possesses or facilitates transport, storage or usage of 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 921 for purposes of the Gun Free Schools Act. It also means any other weapon, device, instrument, material or substance that can cause physical injury including, but not limited to, a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, metal pipe, box cutter, cane sword, electronic dart gun, Kung Fu star, numchucks, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary device.

### III. STUDENT RIGHTS AND RESPONSIBILITIES

“A Bill of Rights and Responsibilities of Students...”

The role of any school is to foster growth in social, academic and personal responsibilities for all of its students. To accomplish these goals, certain forms of order are necessary. The discipline philosophy of the North Collins Central School District reflects the concern for an optimal learning situation by providing consistent expectations for student behavior.

The Board, therefore, assures district students that they shall have all the rights afforded them by federal and state constitutions, statues and regulations. The Board also recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

#### Student’s Rights

1. To a free public education in the least restrictive environment.
2. To a classroom atmosphere that is conducive to learning.
3. To be treated with respect by all members of the school community.
4. To competent instruction that deals with the individual needs of the learner.
5. To feel secure in their personal safety and integrity.

#### Student’s Responsibilities

1. To attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
2. To conduct themselves in a manner that contributes to the ability of the class to learn.
3. To treat themselves, others and property with respect and dress appropriately for school and school functions.
4. To meet the goals and objectives of the curriculum and ask questions when they do not understand.
5. To respect the rules, regulations and procedures of the district, and to seek help in solving problems that might lead to disciplinary action.

- 6. To experience professional, ethical relationships with all staff.
- 7. To express themselves in a socially acceptable manner.
- 8. To a program that will improve their physical well-being in the least restrictive environment.
- 9. To a co-curricular and extra-curricular program that is based on student interest.
- 10. To know the school rules and their consequences.
- 11. To a clean, well-maintained educational facility.
- 12. To experience the democratic process.
- 13. To be able to report violations to the Code without fear of retaliation.
- 14. To be in an environment free of harassment and discrimination.

- 6. To conduct themselves in an appropriate manner toward staff and contribute to a respectful school environment.
- 7. To react to direction given by teachers, administrators and other school personnel in a respectful, positive manner, and work to develop mechanisms to control their anger.
- 8. To attend the classes and participate in the programs to the fullest level of their ability.
- 9. To be involved to the fullest level of their interest and ability, to seek help in solving problems that might lead to disciplinary action, conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- 10. To familiarize themselves and abide by school rules, regulations and procedures, and all district policies, rules and regulations dealing with student conduct.
- 11. To contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect toward other persons and property.
- 12. To abide by the decisions made in the democratic process.
- 13. To respect the rights of others and act in an honest and civil manner.
- 14. To demonstrate conduct that fosters civility, kindness, and acceptance and is void of harassment and/or discrimination.

#### IV. ESSENTIAL PARTNERS

##### A. Parents

All parents are expected to: 1. Recognize that the education of their child (ren) is a joint responsibility of the parents and the school community. 2. Send their children to school ready to participate and learn. 3. Ensure their children attend school regularly and on time. 4. Ensure absences are excused. 5. Insist their children be dressed and groomed in a manner consistent with the student dress code. 6. Instruct their children as to appropriate bus conduct with an understanding that the behavioral expectations that apply in the classroom apply to the school

bus. 7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment. 8. Know school rules and help their children understand them. 9. Convey to their children a supportive attitude toward education and the district. 10. Build good relationships with teachers, other parents and their children's friends. 11. Help their children deal effectively with peer pressure. 12. Inform school officials of changes in home situation that may affect student conduct or performance. 13. Provide a place for study and ensure homework assignments are completed. 14. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### B. Teachers/Support Personnel

All district teachers and support personnel 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 an understanding of the curriculum being taught and provide a program that fosters 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. 6. Communicate regularly with students, parents and other teachers concerning growth and achievement. 7. Build good relationships with their students and parents. 8. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups. 9. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### C. School Counselors/Social Workers/School Psychologists

All district school counselors, social workers and school psychologists are expected to: 1. Establish meaningful relationships that affirm and support students. 2. Assist students in coping with peer pressure and emerging personal, social and emotional challenges. 3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems. 4. Review regularly with students their educational progress and career plans. 5. Provide information to assist students with career planning. 6. Encourage students to benefit from the curriculum and extracurricular programs. 7. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups. 8. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### D. Principals/Building Administrators

All district principals and/or designee 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 student complaints/grievances. 3. Closely and uniformly monitor the implementation of curriculum content and performance standards across all disciplines, while recognizing the academic freedom of the teacher to achieve program expectations. 4. Support the development of and student participation in appropriate extracurricular activities. 5. Enforce the code of conduct and ensure that all cases are resolved promptly and fairly. 6. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups. 7. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### E. Dignity for All Students Act (DASA) Coordinator

All district dignity act coordinators (at least one per building) are expected to: 1. Serve as the lead person responsible for facilitating implementation of DASA. 2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender. 3. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act. 4. Accept reports regarding violations and conduct investigations as appropriate. 5. Maintain a professional, ethical relationship with students and all other District stakeholder groups. 6. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### F. Superintendent

The Superintendent of Schools and/or designee is expected to: 1. Promote a safe, orderly and stimulating school environment, support 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 of Education concerning 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. 6. Provide the Board of Education, annually, with NYSED mandated reports summarizing student discipline. This is in addition to suspension data provided on school report cards. 7. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students

and all other District stakeholder groups. 8. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

#### G. Board of Education

The Board of Education is expected to: 1. Collaborates with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel, to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions. 2. Maintains a professional, ethical relationship with students and all other District stakeholder groups. 3. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.

## V. STUDENT DRESS CODE

The responsibility for student dress and general appearance rests with individual students and parents. However, the Board of Education will regulate a student's dress to insure that students attend school or school-sponsored events such as dances in appropriate attire that meets health and safety standards and does not interfere with the learning process. For example:

1. Clothing and jewelry worn to make a political or religious statement will not be banned unless it is disruptive of the educational process, lewd or offensive.
2. Clothing, footwear and jewelry will be banned if they present a danger to the student's, or another student's health or safety.
3. Specific dress requirements may be required by the district for students participating in activities in which clothing and jewelry may be a safety or health concern, such as science laboratories, physical education, technology (Industrial Arts) classes, and interscholastic athletics.
4. Wearing clothing or materials on school grounds, at school functions, or school-sponsored events that are obscene; advocate illegal action; promote and/or endorse the use of alcohol, tobacco, tobacco products, smoking paraphernalia, or illegal drugs or encourage other illegal or violent activities; appear libelous, or denigrate others on the basis of race, color, religion, creed, national origin, gender, sexual orientation or disability; obstruct the rights of others, or are disruptive to the school program will not be allowed.

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, replace it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

The principal and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines. Administrators, teachers and all other District personnel should exemplify and reinforce acceptable student dress.

## VI. DISCIPLINE CODE FOR STUDENT BEHAVIOR

Students are responsible for conducting themselves in an orderly manner in accordance with school district policy and within the legal limits of the law. This Code is applicable to conduct within school, on all school property, all school events, or off campus conduct that may be related to the safety and welfare of the school environment.

The following behaviors will **not** be tolerated on school district property or at school-sponsored events:

### a. Disorderly Conduct

– endangerment or harassment (i.e.: bullying, intimidation) of others or the willful disruption of the orderly conduct of classes, school program and/or school activities. This would include bomb threats and or other threats against people or property, defaming, vandalizing, disrespecting and/or destroying school or contracted property, as well as property off-campus that is visited as a result of a field trip or school-sponsored event.

### b. Insubordination

– failure or refusal to comply with the reasonable requests of an administrator, a teacher or a staff member.

### c. Physical Aggression

– fighting and/or aggressive physical contact in school, on school property, or at school-related events.

### d. Inappropriate Expression

– swearing, racial or sexual expressions or innuendoes, abusive language and/or similar behavior at any time, on school property or at school-sponsored events.

### e. Alcohol/Other Drugs

– consuming, sharing, transmitting, selling, buying (including “intent” to purchase), possession and/or being under the influence of alcohol, tobacco (to include e-cigarettes & e-juice) or nicotine products (unless the latter are prescribed by a physician as part of a documented smoking cessation treatment plan) and other drugs (including the misuse of prescription medication) at any time on school property or at school-sponsored events.

### f. Unauthorized Substances

– possession of paraphernalia for consuming (use) of alcohol, tobacco, and other substances (including vapor cigarettes and associated liquid substances; as well as cannabinoids and synthetic cathinones, as well as the consuming (use), sharing, transmitting, buying and/or selling of substances (including the misuse of prescription medication) on school property and/or at school-sponsored events.

### g. Hazing

– any conduct or method of initiation into any student organization or school team, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or another person.

#### h. Bullying

– encompassing an imbalance of power and a variety of negative acts such as, but not limited to: physical (hitting, kicking, spitting, taking personal belongings); verbal (taunting, malicious teasing, name calling); psychological (spreading rumors, manipulating social relationships, extortion, or intimidation) carried out repeatedly over time.

#### i. Harassment

– creating 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 wellbeing.

#### j. Sexual Harassment

-- inappropriate visual, verbal or physical conduct directed by an adult to an adult, an adult to a student, a student to an adult or a student to a student.

*Elements of sexual harassment may include:*

1. Sexual in nature or gender based
2. Unwanted or unwelcome
3. Severe, persistent or pervasive
4. Interferes with ability to do work, learn or study

#### k. Disruptive Materials

-- distribution of or wearing materials on school grounds or at school functions that are obscene, inflammatory, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

#### l. Discrimination

– intimidates, harasses, or discriminates against any person on the basis of the individual's perceived or actual race, color, weight, nationality, religion, religious practice, age, gender, sex, sexual orientation or disability by school employees or students on school property or at school-sponsored events.

#### m. "Cyber" Violations

– inappropriate and/or unauthorized use of technology (i.e., personal electronic devices such as MP3 devices or cell phones; computers; cameras; video and/or audio taping equipment; software; etc.) and/or the Internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning and/or defaming others, accessing websites for non-academic purposes (e.g., social networking; media downloads, etc), as well as use of unauthorized proxies or "tunneling". Cyber violations also include violations of the Acceptable Use Policy and/or Electronic Devices with Text Messaging Capabilities Policy.

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for 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 set standards and focus upon 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. In addition, the Board also recognizes the need for Administration to impose discipline when behavior occurring off campus transfers to the school setting and negatively impacts the daily operations of the school and/or substantially or materially disrupts instruction.

## VII. MINIMUM SUSPENSION PERIODS

Any student, including a student with a disability having been afforded statutory protections under the IDEA, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, shall be subject to a minimum suspension period of 5 school days. This minimum suspension period may be reduced on a case by case basis by the suspending authority consistent with any other state or federal law.

Any student, including a student with a disability having been afforded statutory protections under the IDEA, who acts in a way that would qualify him/her as a violent pupil under New York State Education Law 3214 (2-a), shall be subject to a minimum suspension period of 5 school days. This minimum suspension period may be reduced on a case by case basis by the suspending authority consistent with any other state or federal law.

## VIII. STUDENT CONDUCT ON SCHOOL BUS

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to insure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

Some students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parent(s) or guardian(s) of responsibility for supervision until such time as the student boards the bus in the morning and after the student leaves the bus at the end of the school day. Only after a child boards the bus does he/she become the responsibility of the district. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, students are required to conduct themselves on the bus in a manner consistent with the expectations established under the Disciplinary Code for Student Behavior (Section VI). Excessive noise, pushing, shoving and fighting, harassment and discrimination will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others. If a student does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the building principal and/or designee, by the bus driver. Only the building principals, transportation supervisor, or the superintendent have the authority to suspend the riding privileges of students who are disorderly or insubordinate on the bus. In such cases, the

parent(s) or guardian(s) of those students become responsible for seeing that their children get to and from school safely. Should the suspension from transportation amount to a suspension from attendance at school, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

## IX. DISCIPLINARY ACTIONS

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

A. Conduct that is Disorderly.

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar abusive, or threatening.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community, regardless of where the act occurs.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Pulling a fire alarm, discharging a fire extinguisher, pulling an AED alarm, making a bomb threat and/or calling 911 without cause.
8. Defaming, vandalizing, disrespecting and/or destroying school district owned or contracted property, as well as property off-campus that is visited as a result of a field trip or school-sponsored event.
9. Misusing computer/electronic communication devices.

B. Conduct that is Insubordinate.

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

1. Failing to comply with the lawful directions and/or responding to reasonable inquiries of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission. *Note:* External suspension from school will not be employed as a disciplinary measure in circumstances involving chronic truancy, as such penalty is inconsistent with the educational goal of encouraging students to regularly attend and participate fully in school.
3. Skipping detention.
4. Lying to school personnel.

C. Conduct that is Disruptive.

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

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

2. Being late for school or class.
3. Being unprepared for class.

D. Conduct that is Violent or Physically Aggressive.

Examples of physical aggression include, but are not limited to;

1. Threatening and/or committing and/or attempting an act of violence (such as hitting, kicking, biting, pushing, punching, and scratching) upon a teacher, administrator or other school employee, or encouraging another to commit, threaten, or attempt such acts of violence.
2. Threatening and/or committing and/or attempting an act of violence (such as hitting, kicking, biting, pushing, punching, and scratching) upon another student or any other person lawfully on school property, or encouraging another to commit, threaten, or attempt such acts of violence.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. "Weapon" means (but is not limited to) a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, bullets, dagger, dirk, razor, stiletto, switchblade or Swiss Army knife, pocket knife, gravity knife, multi-tool, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, numchucks, electronic stun gun, pepper spray or other noxious spray, firecracker(s), explosive or incendiary device and/or bomb, or other dangerous instrument that can cause physical injury or death.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally defacing, vandalizing, damaging or destroying the personal property of a teacher, administrator, other district employee or any person lawfully on school property, or at a school district function, including graffiti or arson.
7. Intentionally defacing, vandalizing, damaging or destroying school district property.
8. Bullying, which encompasses an imbalance of power and a variety of negative acts such as: physical (hitting, kicking, spitting, taking personal belongings); verbal (taunting, malicious teasing, name calling); psychological (spreading rumors, manipulating social relationships, extortion, or intimidation) carried out repeatedly over time by a student or group of students towards a less powerful student(s).
9. Engaging in harassing 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.
10. Communicating, by any means, including oral, written or electronic (such as through the Internet, including social media or email) off school property, where the content of such communication: (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

E. Conduct that Endangers the Safety, Morals, Health or Welfare of Others.

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

1. Stealing, possessing or assisting in the theft of district property or the property of other students, school personnel or any other person lawfully on school property or attending a school function.
2. Acts of sexual harassment as defined in the district's sexual harassment policy and/or engaging in sexual acts while on school property or attending school functions.
3. Buying, selling, using, possessing or distributing obscene/pornographic material.
4. Possessing, selling, distributing, exchanging, consuming, smoking, or otherwise using any type of cigarette, including vapor cigarettes (tobacco or other, and associated liquid substances, such as "e-juice"), cigar, pipe or using chewing or smokeless tobacco and related paraphernalia.
5. Actual or attempted possession, consumption, sale, distribution, or exchange of alcoholic beverages, tobacco, tobacco products, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia or use of such drugs or being 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".
6. Possessing, consuming, selling, attempting to sell, distributing, or exchanging, synthetic drugs, "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, CBD products (i.e. products containing cannabidiol, such as oils, pills, candy, etc.)
7. Inappropriately using or sharing prescription and over-the-counter drugs.
8. Possessing paraphernalia used in connection with alcoholic beverages, illegal substances, prescription drugs and over-the-counter medications.
9. Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This includes, but is not limited to, posting or publishing video, audio recordings or pictures (hard copy, cell phones, Internet, YouTube, etc.).
10. Behaving in a manner, either on school property or at a school-sponsored function that discriminates against a student based upon that person's perceived or actual race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender.
11. Engaging in cyber bullying, including the use of email, instant messaging, websites, chat rooms, and text messaging, when such use interferes with the operation of the school or infringes upon the general health, safety and welfare of students or employees.
12. Sending, and/or forwarding sexually explicit videos, pictures or auditory recordings and other communications of a sexual nature.
13. "Cyber" violations – inappropriate and/or unauthorized use of technology (i.e., personal electronic devices such as MP3 devices or cell phones; computers; cameras; video and/or audio taping equipment; software; etc.) and/or the internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning and/or defaming others, videotaping acts of physical aggression/fighting and posting or sharing such video with others (exclusive of reporting to the authorities), accessing websites for non-academic purposes (e.g.,

social networking; media downloads, etc.), as well as use of unauthorized proxies or “tunneling”. Cyber violations also include violations of the Acceptable Use Policy and/or Electronic Devices with Text Messaging Capabilities Policy.

14. Engaging in harassment and/or intimidation including communication (verbal, written, or graphic) and/or physical conduct based on an individual’s actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status or disability that has the purpose or effect of substantially or unreasonably interfering with an individual’s work performance, academic performance, or participation in an educational or extra curricular activity; is used as a basis for employment decisions affecting such individual; and/or creates an intimidating, hostile or offensive work environment.

#### F. Academic Misconduct

Examples include, but are not limited to:

1. Plagiarism
2. Cheating
3. Copying
4. Altering records.
5. Violations of the District Acceptable Use Policy for Technology, including the inappropriate use of electronic devices with photographic or text messaging capability.
6. Violation of the District field trip procedure and behavioral expectations.
7. Violation of copyright laws.
8. Violation of intellectual property rights.
9. Assisting another student in any of the above actions.

#### X. REPORTING WEAPONS OR SUBSTANCE ABUSE VIOLATIONS

Any student or staff member observing a student possessing a weapon, alcohol or other illegal substance on school property or at a school function, shall report this information immediately to the building principal and/or designee. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

When a student violates the Code of Conduct and such misconduct is also a crime as defined by the New York State Penal Law, District Officials/Building Principal shall notify the appropriate law enforcement agency. Additionally, if such misconduct is committed by a student with a disability, such action shall not constitute a change in the student’s placement. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime.

#### XI. DISCIPLINARY EXPECTATIONS AND PENALTIES

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:

1. The student's age.
2. The nature of the offense and the circumstances
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Input from parents, teachers, mental health staff (e.g., school counselors, social workers and psychologists) and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that both the number of violations and severity of the behavior will be considered when determining consequence. For example, a student's first violation will usually merit a lighter penalty than subsequent violations. However, more serious violations may warrant a more serious consequence.

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 with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- Verbal warning – any member of the district staff
- Written notification to parent – teachers, principal, superintendent
- Written warning – teachers, principal, superintendent
- Detention – teachers, principal, superintendent
- Temporary removal from classroom by teacher – teachers
- Monetary restitution for costs or damages incurred by the District as a result of the misconduct.
- In-school suspension – principal, superintendent
- Suspension from transportation – principal, head bus driver, superintendent
- Suspension from athletic participation – principal, superintendent
- Suspension from social or extracurricular activities (i.e.: to include, but not limited to, athletic contests or events, celebratory events, clubs, dances, graduation, moving up day, prom)– principal, superintendent
- Suspension of other privileges (i.e.: leadership positions, National Honor Society, student competitions, field trips) – principal, superintendent
- Short-term (five days or less) suspension from school – principal, superintendent, board of education
- Long-term (more than five days) suspension from school – superintendent, board of education.
- Permanent suspension from school – superintendent, board of education.

## XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

If the conduct of a student is related to a disability or suspected disability, the student may be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior directly caused by his/her disability, without following the procedures mentioned above.

## XIII. 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 above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes.

Whenever a school employee, officer, or agent uses physical force against a student, that person shall, within the same school day, make a written report to the building principal and to the superintendent of schools or designee describing in detail the circumstances and the nature of the action taken.

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

## XIV. STUDENT SEARCHES, STUDENT BELONGINGS, AND QUESTIONING OF STUDENTS

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 of 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(s) before questioning the student. However, school officials will tell all students why they are being questioned.

In recognition of certain societal problems which may present themselves in our schools, the Board of Education authorizes the superintendent of schools, the superintendent's designee, building principals and his/her designee to conduct searches of students and their possessions (including any possession in school on school property or at a school event) for an illegal matter

or a matter which otherwise constitutes a threat to the health, safety, welfare or morals of the students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, book-bags, handbags, automobiles, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

In addition, the Board authorizes the Superintendent or the Superintendent's designee, building principal and his/her designee, 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 a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individual(s), other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, or they provide the same information that is received independently from other sources. 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/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.

#### A. Student Lockers, Desks and other School Storage Places

Students shall be informed by the administration that school lockers are not their private property but the property of the district and that as such they may be opened and inspected from time to time by school officials. While recognizing the right to inspect student's school lockers without the necessity of obtaining students' consent is inherent in the authority granted school boards and administrators, school officials will exercise every safeguard to:

1. protect each student's constitutional rights to privacy and protection from coercion:
2. emphasize that schools are educational rather than penal institutions: and resolve any doubts in the student's favor.

#### B. Police Involvement in Questioning of Students

It is the policy of the district that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school property, or during a school sponsored activity, or to maintain the educational environment. They may also be

summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The district's administrators shall, at all times, act in a manner which protects and guarantees the rights of students and parents.

If police are involved in the questioning of students on school property, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school property without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. If a student is to be questioned by police on school property, it is the responsibility of the school administration to see that the interrogation takes place privately, in the presence of an Administrator and in the presence of a parent/legal guardian, except when a parent/legal guardian gives verbal consent to the school administration for the interrogation to take place in the absence of the parent/legal guardian. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

#### C. 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. Such interviews will be completed in accordance with district policy and procedure. In circumstances where criminal activity is suspected, Child Protection Service workers may be accompanied by police officers who are assisting in the investigation.

## XV. PINS PETITIONS

A person in need of supervision (PINS) petition may be filed in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. 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.
3. Knowingly and unlawfully possessing marijuana in violation of Penal Law Section 221.05. A single violation of Section 221.05 will be a sufficient basis for filing a PINS petition.

## XVI. VISITORS TO THE SCHOOLS

Since schools are a place of work and learning, certain limits must be set for visits and visitors to school. The building principal is responsible for all persons in the building and on the grounds. For these reasons, the following expectations 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 school must report to the office of the principal (or designated extension of the principal's office, such as a security sign-in desk) upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign-out 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. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance through the principal's office, so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if this situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## XVII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the district is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to affect this policy.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

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

### A. Prohibited Conduct

(including but not limited to the following):

1. Intentionally injuring any person or threatening to do so.
2. Engaging in behaviors that are harassing or discriminatory in nature.

3. Intentionally damaging or removing district property.
4. Using language or gestures that are profane, lewd, vulgar or abusive.
5. Disrupting the orderly conduct of classes, school programs or other school activities.
6. Entering any portion of the school premises without authorization or remaining in any building or facility after it is normally closed.
7. Obstructing the free movement of any person in any place to which this code applies.
8. Violating the traffic laws, parking regulations or other restrictions on vehicles.
9. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal or controlled substances, or being under the influence of any on school property or at a school function.
10. Possessing or using firearms or other weapons (including device, instrument, material or substance that can cause serious physical injury or death including, but not limited to, a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, box cutters, cane sword, electric dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb) 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. Loitering on or about school property.
12. Gambling on school property or at school functions.
13. Stealing District property and/or the property of another individual.
14. Refusing to comply with any lawful order of identifiable school district officials performing their duties.
15. Willfully inciting others to commit any of the acts prohibited by this code.
16. Violating any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Smoking or use of e-cigarettes and other tobacco products on school property.
18. Violating the Acceptable Use of Technology procedures established by the school district.

## B. Penalties

1. Visitors: Shall be subject to immediate ejection and, as the facts may warrant, precluded from being allowed on the premises of all school buildings and grounds. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the determination.
2. Students: Shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section in accordance with the due process of law requirements.
3. Tenured faculty members: Shall be subject to immediate ejection and 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 immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### C. Enforcement

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate other district staff that are authorized to take action consistent with the code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual 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 designated school official 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. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## XVIII. 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 the beginning of each school year.
2. Posting the code of conduct on the District website for access by parents and community members.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the code of conduct will be publicized and explained to all students and a summary distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

The Superintendent will solicit the recommendations of the District's staff, particularly teachers and administrators, regarding the 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 making any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The code of conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.