

(X) Required
 Local
 Notice

CODE OF CONDUCT

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5300.05 INTRODUCTION

A primary responsibility of the Schodack Central School District is to create a stimulating educational environment for all students, in an atmosphere that is conducive to teaching, learning and living. This is achieved in part with a focus on the rights and responsibilities of all members of the community.

It is the philosophy of the staff, faculty and administration of the Schodack Central School District that all people be treated with respect. Our students are responsible individuals, each with rights that deserve consideration and deference. Our students also have responsibilities to themselves, each other and to all members of the community.

The premise of this code of conduct is that only the consideration and protection of the rights of all persons preserve the rights of individuals.

It is the intent of the Board of Education that these codes of conduct establish minimum standards of behavior for students and all others who occupy, use or visit school property or any premises under control of the school district. The principal of each school building may petition the Board of Education, through the Superintendent, to adopt additional measures applicable to their school community.

This code of conduct is applicable on all Schodack Central School District grounds and premises and in all buildings, vehicles, facilities and work sites owned, operated, leased or otherwise utilized by the Schodack Central School District and at any function sponsored by the Schodack Central School District regardless of its location. Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

All students of the district are expected to report violations of these codes of conduct to a teacher, counselor, assistant principal, principal or other school personnel as appropriate. All employees of the district are expected to take appropriate action in response to violations they observe or those that are reported to them. Appropriate action may include a direct response or reporting the alleged violation to the school administration. Students and employees must immediately report possession of a weapon, harassment, vandalism, the use or possession of drugs or alcohol or threats of violence on school premises or at a school sponsored event

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

"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.

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

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

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“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 §142.

“School function” means any school-sponsored extra-curricular event or activity.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality, bisexuality or other.

“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. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §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 cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Bill of Rights

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

- 1) Students have the right to pursue their education in an atmosphere that is safe and conducive to learning, and to achieve all that they are capable of achieving.
- 2) Students have the right to pursue a particular course of study which best meets their educational needs.
- 3) Students have the right to be respected as individuals.
- 4) Students have the right to procedural due process guaranteed by the United States Constitution and New York State Education Law prior to disciplinary action being taken against them.
- 5) Students have the right to freedom of speech and expression, which does not interfere with the educational process or infringe upon the rights of others.
- 6) Students have the right to freedom from discrimination relative to participation in curriculum offerings and extracurricular activities.
- 7) Students have the right to have rules clearly stated, explained and distributed at the beginning of every school year or at the start of their enrollment in the Schodack Central School District.
- 8) Students have the right to freedom from unreasonable search and seizure.
- 9) Students with special needs have the right to have their educational needs and their behavior evaluated on the basis of their special needs.

B. Student Responsibilities

All district students have the responsibility to:

- 1) Students will conduct themselves with respect for themselves, fellow students, teachers and others.
- 2) Students will strive to achieve their potential in all areas.
- 3) Students will follow the directions of the staff, faculty and administration.
- 4) Students will fulfill all classroom and other educational obligations.
- 5) Students will show respect for Schodack Central School District property and for the property of others.
- 6) Students will strive to demonstrate good conduct and positive attitude at all times in all Schodack Central School District activities.
- 7) Students will abide by the dress code, as outlined in the Code of Conduct.
- 8) Students are financially responsible for school issued materials such as: electronic devices, library books, texts, tools, locks or any other Schodack Central School District property or equipment provided to them.

5300.20 ESSENTIAL PARTNERS

A. Students

Each student of Schodack Central School District shall:

- 1) Achieve an understanding of the student code of conduct and associated procedures.
- 2) Comply with the code of conduct at all times.
- 3) Seek help from teachers and school administrators in resolving questions about the requirements of the code of conduct or to discuss issues that might lead to behavior problems
- 4) Accept responsibility for personal behavior at all times.
- 5) Assist teachers and administrators in maintaining the school environment as a safe haven for learning by reporting any behavior that may disrupt learning or threaten the safety of the school community.

B. Parents

The support of parents and guardians of students is critical to encouraging and achieving positive behavior by students in the school environment. Parents and guardians are asked to take this responsibility seriously and to fulfill it as follows:

- 1) Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
- 2) Send their children to school ready to participate and learn.
- 3) Ensure their children attend school regularly and on time.
- 4) Ensure absences are excused.
- 5) Ensure their children are present themselves in a manner consistent with the student dress code.
- 6) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 7) Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
- 8) Convey to their children a supportive attitude toward education and the district.
- 9) Build positive, constructive relationships with teachers, other parents and their children's friends.
- 10) Help their children deal effectively with peer pressure.
- 11) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 12) Provide a place for study and ensure homework assignments are completed.
- 13) Accept their financial responsibility for electronic devices, library books, texts, tools, locks or any other Schodack Central School District equipment assigned to the student.

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C. Teachers

All district teachers are expected to:

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching and concern for student achievement.
- 4) Know school policies and rules, and enforce them in a fair and consistent manner.
- 5) Maintain confidentiality in conformity with federal and state law.
- 6) Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
- 7) Communicate regularly with students, parents and other teachers concerning growth and achievement.
- 8) Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- 9) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- 10) Address personal biases that may prevent equal treatment of all students in the school or classroom setting while remaining viewpoint neutral.

D. Guidance Counselors:

All district guidance counselors are expected to:

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

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- 9) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 10) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 11) Address personal biases that may prevent equal treatment of all students.

E. Other School Personnel

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

F. Principals/Administrators

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
- 3) Maintain confidentiality in accordance with federal and state law.
- 4) Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- 5) Support the development of and student participation in appropriate extracurricular activities.
- 6) Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
- 7) Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 8) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 9) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 10) Address personal biases that may prevent equal treatment of all students and staff.

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G. The Dignity Act Coordinator(s)

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2) Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
- 3) Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- 4) Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
- 5) Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
- 6) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 7) Address personal biases that may prevent equal treatment of all students and staff.

H. Superintendent

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2) Inform the Board about educational trends relating to student discipline
- 3) Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
- 4) Maintain confidentiality in accordance with federal and state law.
- 5) Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
- 6) Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 7) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 8) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 9) Address personal biases that may prevent equal treatment of all students and staff.

I. Board of Education

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or

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- sex.
- 2) Maintain confidentiality in accordance with federal and state law.
 - 3) Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
 - 4) 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.
 - 5) 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.
 - 6) Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
 - 7) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 - 8) Address personal biases that may prevent equal treatment of all students and staff.

5300.25 STUDENT DRESS CODE

Philosophy and Goals:

Schodack Central School District's student dress code is developed to support equitable educational access and is designed to reflect the values and goals of the District. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and discreetly. The purpose of this dress code is to:

- Maintain a safe learning environment
- Allow students to wear clothing of their choice that is comfortable
- Allow students to wear clothing that expresses themselves including their self-identified gender
- Prevent students from wearing clothing that is offensive, denotes, displays, or promotes alcohol, drug, paraphernalia, or other illegal conduct
- Prevent students from wearing clothing or accessories that will interfere with the operation of school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights.
- Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.

Dress Code:

Schodack Central School District expects all students to dress in a way that is appropriate for the school day or for any school-sponsored event. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s).

1. Basic Principle: Certain body parts must be covered for all students at all times.
 - a. Clothes must be worn in such a way such that genitals, buttocks, breasts, and nipples are fully covered with opaque fabric.
 - b. All items must meet this basic principle
2. Students Must Wear (while following the basic principle of Section 1 above):
 - a. A shirt (with fabric in the front, back, and on the sides under the arms) **AND**
 - b. Pants or the equivalent (ex. skirt, sweatpants, leggings, shorts, a dress) **AND**
 - c. Shoes
3. Students Cannot Wear:
 - a. Violent language or images
 - b. Images or language depicting drugs, alcohol, paraphernalia, or illegal items/activity
 - c. Hate speech, profanity, pornography
 - d. Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized group
 - e. Clothing which is designed to create a disruption, actually disrupts, or foreseeably disrupts or interferes with the operation of school or educational process
 - f. Any clothing that reveals visible undergarments (waistbands and visible straps are moderately allowed)
 - g. Accessories that could be considered dangerous or could be used as a weapon
 - h. Items which obscure the face (except as a religious observance) for identification

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Dress Code Enforcement

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements stated. Students will only be removed from spaces, hallways, or classrooms as a result of a dress code violation as outlined in sections 1 (Basic Principle) and 3 (Students Cannot Wear) above. Issues of student dress code violation(s) will be addressed and managed discreetly. Students in violation will be provided three (3) options to meet the dress code during the school day:

1. Students will be asked to put on their own alternative clothing, if already available at school, to be dressed to code for the remainder of the day.
2. Students will be provided with temporary school clothing to be dressed to code for the remainder of the day.
3. If necessary, students' parents may be called during the school day to bring alternative clothing for the student to wear to be dressed to code for the remainder of the day.

These dress code guidelines shall apply to regular school days and summer school days, as well as any school-related events and activities, such as athletic events, concerts, graduation ceremonies, dances, and prom.

Students who feel they have been subject to discriminatory enforcement of the dress code should contact the District D.A.S.A. Coordinator.

5300.30 PROHIBITED STUDENT CONDUCT

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

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

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
 1. Running or other disruptive behavior in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Computer/electronic communications misuse, including any unauthorized use of personal electronic devices, computers, software, or internet/intranet account; accessing inappropriate websites; use of VPN; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention or other scheduled consequence.

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- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - 2. Inappropriate public physical contact, including sexual contact.
 - 3. Inappropriate or unauthorized use of personal electronic devices.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
 - 1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 - 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 - 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 - 4. Displaying what appears to be a weapon.
 - 5. Threatening to use any weapon.
 - 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 - 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
 - 1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 - 2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 - 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 - 4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 - 5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
 - 6. Intimidation, which includes engaging in actions or statements that put an

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- individual in fear of bodily harm.
- 7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
 - 8. Selling, using, distributing or possessing obscene material.
 - 9. Using vulgar or abusive language, cursing or swearing.
 - 10. Smoking a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 - 11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 - 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 - 13. Gambling.
 - 14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner either in person or electronically.
 - 15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
- 1. Plagiarism.
 - 2. Cheating.
 - 3. Copying.
 - 4. Altering records.
 - 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

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5300.35 REPORTING VIOLATIONS

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

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

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS¹

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 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 which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances, including but not limited to the frequency or duration of the same or similar behaviors.

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. Penalties

Students who are found to have violated the District's Code of Conduct will be subject to the following penalties, either alone or in combination:

- 1) Oral warning
- 2) Written warning
- 3) Written notification to parent
- 4) Parent meeting (phone or in person)
- 5) Detention (possible detentions may include, but are not limited to, before school, lunch, teacher, administrative and after school)
- 6) Restitution
- 7) Pass restriction
- 8) Removal of privileges
- 9) Suspension from transportation
- 10) Suspension from athletic participation
- 11) Suspension from social, academic or extracurricular activities
- 12) Suspension of other privileges (ex. use of common areas, assignment during less structured times, loss of 1:1 technology, parking, etc.)

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- 13) Removal of electronic devices- personal or school-issued
- 14) In-school suspension
- 15) Removal from classroom by teacher, assistant principal, or principal
- 16) Short-term (five days or less) suspension from school
- 17) Long-term (more than five days) suspension from school
- 18) Permanent suspension from school
- 19) Other suspensions or consequences, as determined
- 20) Loss of driving privileges on school grounds
- 21) Referral to law enforcement agencies

A chart outlining the District's general disciplinary guidelines is included as an attachment to this Code of Conduct (as **Appendix A**). The penalties in the chart are not mandatory. Instead, the District has the discretion to impose the penalties it deems appropriate based on the circumstances of the misconduct or the student's past disciplinary record. In appropriate circumstances, the principal is granted the authority to exercise his or her good judgment and apply a greater or lesser consequence than those stated in the chart.

B. Procedures

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

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

1. Detention. Teachers, 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.

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 Transportation Dept or the Building Principal's attention. At CES, bus conduct reports will be sent home with students. After three (3) incidents a referral will be sent to the Principal. Students who become a serious disciplinary problem will have their riding privileges suspended by the Building Principal or the Superintendent or their designees. Parents will receive telephonic and written notification of the circumstances which led to the suspension within 24 hours of the precipitating incident. 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, to the extent required by law. The parent/guardian must provide the Building Principal or his/her

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

3. *Suspension from athletic participation, extracurricular activities and other privileges.* Parents will receive telephonic and written notification of the circumstances which led to the suspension within 24 hours of the precipitating incident. A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

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

Parents will receive telephonic and written notification of the circumstances which led to the suspension within 24 hours of the precipitating incident. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. *Teacher disciplinary removal of disruptive students.* A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting.

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

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives.

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A teacher may remove a student for the remainder of the class if warranted. In light of circumstances that warrant suspension, a Building Principal's suspension for substantially disruptive behavior will be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom the following may occur:

- a. The teacher will confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for removal.
- b. Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events.
- c. The Building Principal shall be notified immediately, in writing by the teacher, of the student's removal from the teacher's class.
- d. The teacher shall inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal.
- e. Upon request, the student and his/her parent shall be given an opportunity for an informal conference with the teacher or administrator to discuss the reasons for removal. If the student denies the charge(s), the student and parent shall receive an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
- f. The Building Principal or designee may not set aside the removal unless he or she finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- g. The Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

The District may maintain a record of all cases of removal of a student from his or her classroom on-line. Each Principal shall maintain a record on-line of each removal of a student from a classroom in the school for which he or she is responsible.

An appeal brought by the parent or student over the age of 18 of a Building Principal's removal decision must be presented to the Superintendent of Schools within three (3) business days of the Building Principal's prior to any further appeal.

Nothing in this section shall prevent a teacher from sending a student to the

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Principal's office, and/or directing the Principal or Superintendent to report to the classroom to remove a student from the classroom.

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

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

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

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

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

When the Superintendent or Building Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. The Building Principal has the authority to suspend a student for five (5) days or less. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the

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

After the conference, the Building Principal shall promptly advise the parents in writing of his or her decision. The Building 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 three (3) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within three business days of receiving an 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 five (5) 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 thirty (30) days of the decision.

b) Long-term (more than five days) suspension from school

When the Superintendent or Building Principal determines that a suspension for more than five (5) days to one year/plus may be warranted, he or she shall give reasonable notice, by hand delivery if possible, to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The hearing on the charges must be conducted within five days of the notice unless otherwise agreed to by the parties.

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

The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within five (5) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in

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whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

c) *Permanent Suspension*

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school:

- Any student found guilty of bringing a weapon onto school property may be subject to suspension from school for at least one (1) calendar year. The Superintendent may also refer any student found guilty of bringing a weapon to school to law enforcement. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:
 - a) The student's age;
 - b) The student's grade in school;
 - c) The student's prior disciplinary record;
 - d) The superintendent's belief that other forms of discipline may be more effective;
 - e) Input from parents, teachers and/or others; and/or
 - f) Other extenuating circumstances.

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

- Any student who is found to have committed a violent act as defined in Education Law §3214(2-a)(a), other than bringing a weapon onto school property, may be subject to suspension from school for at least five (5) days. If the proposed penalty is the five (5) 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 five (5) days, 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 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 (1) year suspension for possessing a weapon.
- 3) Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with a teacher's authority over the classroom:

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- Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom may be suspended from school for at least five (5) 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 the teacher(s) pursuant to Education Law §3214(3-a) and this Code on four (4) or more occasions during a semester. If the proposed penalty is the minimum five (5) 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 (5) 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 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. Notwithstanding the foregoing, a student with a disability may be suspended only in accordance with the requirements of state and federal law.

D. Referrals and Other Remedial Responses

Under certain circumstances, the District may make referrals and/or utilize other remedial responses as alternatives or in addition to traditional discipline. Examples of such responses include the following:

1. *Counseling:* The Guidance Office shall handle all referrals of students to counseling, peer groups or other relevant learning experiences.
2. *PINS Petitions:* The District may file a PINS (person in need of supervision) petition in Family Court, or otherwise initiate contact with the Rensselaer County Family Court according to the Court's rules and/or procedures, for 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; or
 - 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.
3. *Juvenile Delinquents and Juvenile Offenders:* The Superintendent is required to refer any student under the age of 16 who is found to have brought a weapon to school to the County Attorney for a juvenile delinquency proceeding before the Family Court. 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 under subdivision forty-two of section 1.20 of the criminal procedure law to the appropriate law enforcement authorities.

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4. Core Team/Child Study Team Referrals

5. CSE Referrals

6. Referrals to Human Services and/or Other Outside Agencies

5300.45 ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

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5. *Interim alternative educational setting* (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive

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school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned

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weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

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3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory

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attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or

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3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or

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others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT

The Schodack Central School District does not permit the use of corporal punishment under any circumstances.

Corporal punishment is any act of physical force against a student for the purpose of punishing that student.

Corporal punishment is distinguished from the act of exercising reasonable physical force to protect oneself from imminent injury, to protect another from imminent physical injury, to protect the property of Schodack Central School District or of others from destruction, or to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school functions and the educational process, if a student has refused to comply with a request to refrain from further disruptive acts.

The use of reasonable, prudent and necessary physical force or physical restraint is permitted in situations in which it is required to protect any individual from imminent physical harm or injury. Physical restraint may be used to protect property from destruction.

Reporting Requirements

By July 15 and January 15 of each year, the Superintendent of Schools shall file a report with the Commissioner of Education detailing each complaint about the use of corporal punishment, the results of the investigation of that complaint and the action, if any, taken in that particular case. Each building principal shall maintain records related to such complaints to the Superintendent of Schools in writing immediately upon receipt. 8 NYCRR, Sections 19.5, and 100.2 (1)

5300.60 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. School officials, however, will tell all students why they are being questioned, and if the matter is deemed serious by the building administrator, efforts will be made to notify the student's parent/guardian as soon as practical.

In addition, the Board authorizes the Superintendent, Building Principals or his/her designee, and the school nurse 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. 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.

Wherever 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

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.

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B. Documentation of Searches

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

- 1) Name, age and grade of student searched;
- 2) Reasons for the search;
- 3) Name of any informant(s);
- 4) Purpose of search (that is, what item(s) were being sought);
- 5) Type and scope of search;
- 6) Person conducting search and his or her title and position;
- 7) Witnesses, if any, to the search;
- 8) Time and location of search;
- 9) Results of search (that is, what item(s) were found);
- 10) Disposition of items found; and
- 11) Time, manner and results of parental notification.

The Building Principal or the Building 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 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.

C. Strip Searches

Strip searches are intrusive in nature and are not permissible. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, jacket or shoes. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

D. Vehicles

Student use of a motor vehicle on school property is a privilege. Motor vehicles driven onto school property by students are subject to search by school officials without notice or consent, if the school official reasonably suspects that the student or his/her passenger has engaged in activity which is in violation of school rules and/or is illegal, or that the contents of the motor vehicle may present a threat or potential threat to the health, safety, or welfare of students, staff, or the school in general.

E. Cell Phones, Pagers, and Other Personal Electronic Signaling Devices

Student cell phones, pagers, and other personal electronic signaling devices, and their contents, including, but not limited to, text messages, video/picture messages, and digital photos, may be searched by school officials who have a reasonable suspicion that the search will provide evidence that a student has violated either the law or a school rule.

F. 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. 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.

G. 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 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 and/or other Administrative 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

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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.

5300.65 VISITORS TO THE SCHOOLS⁴

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 - 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 guest, staff member or student of the school will be considered a visitor and required to present photo identification upon arrival.
- 2) All visitors to the school must report to the Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Main 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) Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, 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 or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- 7) All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

Any use of the buildings and grounds under the control of the District shall be preceded by notification of the following information: location of fire exits; form of notification of the need to exit (I.E. alarm, announcement etc.); reminder of the need to exit in a calm and orderly manner and prohibition on parking of motor vehicles in designated fire lanes or spaces for the disabled.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so;
2. Intentionally damage or destroy 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 the person's perceived race, color, creed, national origin, religion, religious practices, ethnic group, weight, age, gender, 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, or be under the influence of either on school property or at a school

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function;

10. Possess or use weapons, or what appears to be a weapon, 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. Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
13. Refuse to leave any school building, facility or premises after being requested to do so by an authorized administrative officer, member of the faculty, or staff member;
14. Willfully incite others to commit any of the acts prohibited by this Code;
15. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco product on school property or while attending school functions;
16. Use, possess, wear or in any way depict or demonstrate obscene materials or engage in or present obscene conduct or behavior. The term "obscene" refers to verbal, written, graphic, pictorial, and other means of presenting materials, when such materials violate generally accepted social and community standards. Obscene material appeals to prurient interest, is utterly without redeeming social importance, goes beyond customary limits of candor in description or representation, is characterized by patent offensiveness and is pornographic, indecent, vulgar and salacious;
17. Park a motor vehicle in any fire lane or other no parking zone or park in any parking space designated for use by the disabled without a valid permit visibly displayed on or in the vehicle;
18. Use or display inappropriate language, gestures or symbols (obscene, profane, vulgar, abusive);
19. Engage in excessive or offensive public displays of affection;
20. Use or display abusive or hateful language involving the use of slurs regarding ethnicity, disability, religion, race, sexual orientation, perceived sexual orientation or physical condition of another;
21. Engage in any form of sexual harassment or any harassment based upon ethnicity, disability, religion, race, sexual orientation, perceived sexual orientation or physical condition of another;
22. Otherwise engage in any behavior which interferes with the educational program.

B. Penalties

Persons who violate this code may be subject to the following penalties:

1. Visitors: His or her authorization, if any, to remain on school grounds or at the

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- school function may be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and trespass laws under New York State Penal Law.
2. Students: He or she may be subject to disciplinary action as the facts may warrant in accordance with the due process requirements, including removal from the premises. See Appendix A – Violations of the Code of Conduct disciplinary chart.
 3. Staff members may be subject to disciplinary action as the facts may warrant in accordance with any legal or contractual rights that they may have.
 4. Trespasser: He or she may be subject to removal from the premises by law enforcement officials.

C. **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 Building Principal, or his or her designee, shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Building Principal, or his or her designee, shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Building Principal, or his or her designee, may have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities may be contacted to assist in removing the person.

The District may 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.

5300.75 DISSEMINATION AND REVIEW

A. 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 an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

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

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

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

Adoption date: June 14, 2018

¹Ref: Education Law §3214
8 NYCRR §100.2(l)

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Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

²Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

³Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008))
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

⁴Ref: Education Law §§1708; 2801

GENERAL DISCIPLINARY GUIDELINES

CATEGORY I

Category I prohibited behavior is behavior on the part of the student, which impedes orderly classroom procedures or interferes with the orderly operation of the school and shall include but not be limited to the following:

- Disruptive behavior which interferes with the educational program and normal operation of the school community.
- Inappropriate language, gestures or symbols (obscene, profane, vulgar, abusive).
- Tardiness to class.
- Leaving class without permission.
- Out of class without a pass.
- Excessive or offensive public displays of affection.
- Inappropriate or unauthorized use of electronic devices.

Category One behavior will usually be addressed by an individual teacher or staff member but may, at times, require the intervention of other school support personnel.

There will be immediate intervention by the staff member who is supervising the student or who observes the behavior.

Repeated behavior requires a parent / teacher conference; conference with the counselor and/or administrators.

The staff member will maintain a proper and accurate record of student actions and school response.

The range of possible school responses includes:

- A warning.
- Detention.
- Teacher will discuss behavior with student.
- Behavior agreement.
- Parent / guardian contact.
- Referral to principal, guidance or social worker.
- “Time-out” not to exceed one school day.
- Verbal reprimand.
- Reduction in classroom privileges.

CATEGORY II

Prohibited behavior, overt or otherwise, whose frequency or seriousness tends to disrupt the learning climate of the school shall include but not be limited to:

- Repeated incidents of Category I prohibited behavior.
- Leaving school without permission.
- Use or possession of obscene or offensive materials.
- Unauthorized driving or riding to or from school premises, facilities or property.
- Violation of dress code.
- Tardiness to school.
- Inappropriate use of the school computer network.
- Insubordination or disrespect, including the failure to follow the reasonable and lawful directions of school personnel.

Teachers are primarily responsible for initiating response to such behaviors but will introduce the guidance counselor, parents and guardians and appropriate building administrators into the response.

The school response to Category II prohibited behavior shall include one or more of the following:

A teacher may initiate a meeting with the student and his / her guidance counselor to discuss the situation. Teachers must notify the building administrator and the student's parent / guardian.

The building administrator may initiate an investigation of the allegation and confer with staff on the appropriate school response.

The building administrator may meet with the student and confer with his / her parent / guardian about the student's conduct and resulting school response.

The building administrator will maintain a proper and accurate record of student behaviors and school response.

The range of possible school responses includes:

- Behavior agreement.
- Parent conference.
- Referral to guidance and or social worker or psychologist.
- Reduction of school privileges (e.g. driving).
- Reduction of classroom privileges.
- Referral to administration.

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- Detention
- Home school contact.
- In school suspension.
- Out of school suspension.
- A teacher may remove a “disruptive student” from the classroom.

CATEGORY III

Category III prohibits certain serious or threatening behaviors and situations where a student persists in exhibiting certain Category I and II behaviors. This includes students who are “repeatedly, substantially disruptive of the educational process,” those who “substantially interfere with a teacher’s authority over the classroom” or those who have committed acts of violence. Students engaging in Category III behaviors are immediately referred to building administrators who will confer with parents / guardians, teachers and the student and implement an appropriate Category III school response.

Category III prohibited behavior is demonstrated when a student shows no sign of modifying prohibited behavior after having been requested to do so by school personnel. Such behavior also includes that which constitutes academic dishonesty and misconduct or poses a direct threat to the emotional and physical wellbeing of others, or is in violation of the law. Category III includes students who are “repeatedly substantially disruptive of the educational process,” those who “substantially interfere with a teacher’s authority over a classroom” or those who have committed acts of violence. Category III prohibited behavior includes but is not limited to:

- Chronic incidents of Category I behavior and repeated or chronic incidents of Category II behavior.
- Exposure of the private parts of the human body.
- Illegal gambling in or on school premises or property.
- Selling, using or possessing obscene materials.
- Making false or misleading statements about another individual or group of individuals.
- Discrimination or harassment based upon race, sex, religion, national origin, disability, sexual orientation or physical condition.
- Intimidation, fighting, or bullying in any form.
- Hazing, including intentional or reckless acts directed against another for the purpose of obtaining or maintaining membership on a team or in a club, activity or organization sponsored by the District.
- Lying to school personnel.
- Forgery.
- Academic dishonesty and misconduct, including plagiarism, cheating and alteration of academic records.
- Use or attempted use of physical force on another, including a teacher, administrator or student.
- Stealing, larceny or petty theft.
- Trespassing (entering or remaining on school property without authorization, license or invitation).
- Possession and/or transfer of firearms or deadly weapons in or on school premises, facilities, vehicles or property.

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- Possession of what appears to be a weapon.
- Speeding or reckless driving on school premises or property.
- Vandalism or destruction of private or public property.
- Use, possession, sale or attending school under the influence of: illegal drugs, alcohol or other unauthorized controlled substances.
- Assault or battery.
- Violent behavior of any kind or the threat of such behavior.
- Harassment, intimidation, threats or threatening language or any intentional and unauthorized contact with another in person or electronically.
- Endangering the health, safety or welfare of another.
- Abusive or hateful language, gestures or symbols involving the use of slurs regarding ethnicity, disability, religion, race, sexual orientation or physical condition of another.
- Any form of sexual harassment.
- Excessive absences.
- Smoking on school property including all school grounds, facilities, vehicles, or property or at any school sponsored activity.

The school response to Category III prohibited behavior shall include one or more of the following:

The building administrator will investigate the allegations and consult with staff as to the appropriate consequences if the allegations are supported by substantial and credible evidence.

The building administrator will meet with the student and confer with the parent/guardian about the student's conduct and the resulting school response.

The building administrator will maintain a proper and accurate record of student behavior and school response.

Unless otherwise provided by law, the range of possible school responses may include:

- In-school suspension.
- Out of school suspension.
- Conference with home school principal.
- Mediation.
- Restitution.
- Loss of privileges.
- Conference with teacher.
- Superintendent's hearing.
- Parent Conference
- Detention
- Criminal charges.
- Referral to Student Services.
- Confiscation of contraband.
- Recommend Persons in Need of Supervision (PINS) petition.
- A teacher may remove a "disruptive student" from the classroom.
- Expulsion
- Police Notification
- Detention

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Category III prohibited behavior shall include minimum suspension periods as follows:

Repeated substantial disruption of the educational process – two (2) days out of school suspension.

Substantial interference with the teacher's authority over the classroom – two (2) days Out of school suspension.

Act(s) of violence – five (5) days out of school suspension. Weapons on school property – one year out of school suspension.