



NYACK SCHOOL DISTRICT

CODE OF CONDUCT

**Adopted by the
Nyack Board of Education
July 10, 2001**

**Revised and Adopted by the
Nyack Board of Education
January 8, 2002**

**Revised and Adopted by the
Nyack Board of Education
October 19, 2004**

**Revised and Adopted by the
Nyack Board of Education
July 11, 2006**

**Revised and Adopted by the
Nyack Board of Education
June 19, 2007**

Revised and Adopted by the Nyack Board of Education July 1, 2008

Revised and Adopted by the Nyack Board of Education June 2, 2009

Revised and Adopted by the Nyack Board of Education September 21, 2010

NYACK SCHOOL DISTRICT

CODE OF CONDUCT

NOTE: This Code of Conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(1) of the Commissioner's regulations.

TABLE OF CONTENTS

	PAGE
Preamble	3
New York State Code of Ethics	4
5300.01 Introduction	6
5300.05 Definitions	8
5300.10 Student Rights and Responsibilities	9
5300.15 Essential Partners	10
5300.20 Student Dress Code	13
5300.25 Expectations of Student Conduct	14
5300.30 Reporting Violations	17
5300.35 Disciplinary Penalties, Procedures and Referrals	18
5300.40 Alternative Instruction	25
5300.45 Discipline of Students with Disabilities	26
5300.50 Corporal Punishment	30
5300.55 Student Searches and Interrogations	31
5300.60 Visitors to Schools	34
5300.65 Public Conduct on School Property	35
5300.70 Dissemination and Review	37
The Student and Parent's Plain Language Guide to the Nyack School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention	38
The Nyack School District's Transportation Code of Conduct	53

PREAMBLE

The Mission Statement of the Nyack School District is built upon a set of values that establish the framework and the direction of daily life in our school community.

We value:

- The richness of our diverse community
- Harmonious relationships among individuals and groups
- Partnerships among students, staff, parents and community
- The pursuit of scholastic excellence
- Respect for self and others
- Responsible ethical behavior that engenders trust
- Individuals who think critically and creatively
- Ongoing involvement in local and global issues
- Development of essential skills and attitudes for a productive life
- Meeting the needs of all students
- A safe and nurturing environment

The Code of Conduct and District Safety Plan have been written as vehicles to assist us in communicating and acting upon these values. It is the intention of the Nyack School District to implement these regulations in a manner that is respectful of the strength that diversity in approach can bring to attaining our common goals in a positive and productive manner. The safety and security of our students are our first priority.

Relationships:

The Nyack School District recognizes that affirmative relationships that are nurtured and encouraged create a healthy environment that is supportive of productive problem solving and conflict resolution. Providing students and staff with opportunities to learn about each other and to develop constructive relationships is a goal that is shared throughout the school community.

Specific strategies and activities currently in place include:

- Voices of Love and Freedom Program (K-5)
- World of Difference (6-12)
- Advisory (6-8)
- Peer mediation (6-12)
- Leadership Training (HS)

It is the goal of the Nyack School District to endeavor to build these bridges between and among the members of our school community as the cornerstone of our efforts to provide a safe and secure learning environment for everyone.

NEW YORK STATE CODE OF ETHICS FOR PROFESSIONAL EDUCATORS

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs,

and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

CODE OF CONDUCT

5300.01 INTRODUCTION

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

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

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

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

Nyack's Code of Conduct is "developmentally appropriate." It is organized first by grade level clusters (K-5 and 6-12), then by level of disciplinary offense, with Level 1 offenses being the least serious, and Level 5 offenses being the most serious. Each grade level cluster and disciplinary offense level lays out its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or Pupil Personnel Services (PPS) interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive. The lists of offenses, disciplinary responses, and/or PPS responses that you will see in this Code of Conduct are not intended to be exhaustive. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the Code of Conduct. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the district's Code of Conduct. The District also reserves the right to modify disciplinary responses and/or PPS interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e. a student may engage in behavior that severely hurts another at the beginning of the year and receive a 5-day out-of-school suspension because of the seriousness of the offense; the same student, 5 months later, may engage in "rough-housing" and receive a 1-day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic. No offense in the Nyack Public Schools' Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic 5-day out-of-school suspension to a student who has engaged in a fight, or that automatically assigns a 3-day suspension to a student who has engaged in verbal abuse towards another student); rather,

district administrators, having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question *to the degree* that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences. (See page 23, "Minimum Periods of Suspension.") The Superintendent and her designees however have the power to modify these minimum periods.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school. Any infraction against the Code that occurs off the premises of the Nyack Public Schools that endangers the safety, morals, health or welfare of students or staff members within the school and/or adversely affects the educative process may result in disciplinary consequences being assigned to a student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

CODE OF CONDUCT

5300.05 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.

NOTE: The definition of "disruptive student" is from §3214(2-a)(b).

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

NOTE: The Code of Conduct defines "parent" broadly to include guardians to avoid using parent/guardian throughout the entire document. The definition is purely stylistic.

"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.

NOTE: The definition of "school property" is from §2801(1).

"School function" means any school-sponsored co-curricular event or activity.

NOTE: The definition of "school function" is from §2801(1).

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, 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, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
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, dangerous knife, metal 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 device.

CODE OF CONDUCT

5300.10 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Be provided with the chance to be successful.
5. Be respected.
6. Be provided with a caring learning environment.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and co-curricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control any anger they may feel in school and at school functions.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline. Enlist the help of District staff when potentially dangerous situations might occur.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored co-curricular events, both home and away, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

CODE OF CONDUCT

5300.15 ESSENTIAL PARTNERS

Recognize that the education of students is a joint responsibility of the parents and the school community.

A. Parents/Guardians

All parents are expected to:

1. Send their children to school ready to participate and learn.
2. Ensure their children attend school regularly and on time.
3. Ensure absences are excused.
4. Insist their children be dressed and groomed in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know school rules and help their children understand them.
7. Convey to their children a supportive attitude toward education and the district.
8. Build good relationships with teachers, other parents and their children's friends.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.

We encourage parents and guardians to work closely with their children's teachers by monitoring their schoolwork at home, by quickly bringing any concerns they might have to their teachers' attention, by responding as quickly as is reasonably possible after receiving a note or phone call from school, and by working with teachers and administrators to help continuously improve their children's academic, co-curricular and extra-curricular programs within the spirit of this Code of Conduct.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be a positive role model by exhibiting proper conduct and attire befitting the profession.
3. Be prepared to teach all students giving them the opportunity to reach their highest potential.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
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. Insist that students be dressed and groomed in a manner consistent with the student dress code.
8. Communicate regularly with students, parents and other teachers concerning growth and achievement.
9. Respond to parents within 24 hours of receiving a note or a telephone call.
10. Build good relationships with parents, other teachers and students.
11. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
12. Lead by example.

C. Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Insist that students be dressed and groomed in a manner consistent with the student dress code.
4. Regularly review with students their educational progress and career plans.
5. Build good relationships with parents, teachers and students.
6. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
7. Provide information to assist students with career planning.
8. Encourage students to benefit from the curriculum and co-curricular programs.
9. Will respond to parents within 24 hours of receiving a note or a telephone call.
10. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
11. Lead by example.

D. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, staff and parents have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Maintain a climate of mutual respect and dignity.
4. Build good relationships with teachers, parents and children.
5. Evaluate on a regular basis all instructional programs.
6. Support the development of and student participation in appropriate co-curricular activities.
7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
8. Insist that students be dressed and groomed in a manner consistent with the student dress code.
9. Will respond to parents within 24 hours of receiving a note or a telephone call.
10. Work with the community and the Board to create academic and behavioral programs to promote the health and safety of our students.
11. Lead by example.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Be available to parents and community and respond to messages in a timely fashion.
7. Maintain a climate of mutual respect and dignity.
8. Build good relationships with teachers, parents and children.
9. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
10. Lead by example.

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines

expectations for the conduct of students, district personnel and visitors on school property and at school functions.

2. Adopt and review annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Build good relationships within our school community.
5. Maintain a climate of mutual respect and dignity.
6. Work with the school community to create academic and behavioral programs to promote the health and safety of our students.

G. Psychologists

1. Identify and give appropriate tests to students in a timely fashion after receiving necessary approvals to evaluate needs appropriately. Within 24 hours after the evaluation is completed, call the student's parent or guardian. Respond within 24 hours to any communications from parents or guardians.
2. Build good relationships with teachers, parents and children.
3. Maintain a climate of mutual respect and dignity.
4. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
5. Lead by example.

H. Social Worker

1. Support families in school and the community.
2. To identify students or family problems that impact school and to meet their needs.
3. To contact families whose students are truant within a 24-hour period of having identified them as such. Respond within 24 hours to any communications from parents or guardians.
4. Build good relationships with teachers, parents and children.
5. Maintain a climate of mutual respect and dignity.
6. Work with the school community and the Board to create academic and behavioral programs to promote the health and safety of our students.
7. Lead by example.

CODE OF CONDUCT

5300.20 STUDENT DRESS CODE

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

A student's dress, grooming and appearance, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not include inappropriate garments, defined in Administrative Regulation 5300.20R as those garments, including mesh or other see-through clothing or materials which reveal cleavage or do not completely cover the breasts and/or stomach, midriff, and/or any other part of the torso below the breasts, or which expose any part of the buttocks and/or parts which are known as private.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times that is safe and ensures that students will be able to participate appropriately in classes, i.e. gym shoes in gym class. Not include the wearing of bedroom slippers or "heelys," or any other shoes with wheels embedded in the soles. Please note: it is recommended that footwear be fastened to the foot over the top of the foot as well as the heel or around the ankle.
5. Not include the wearing of any form of headgear including, but not limited to: hats, caps, stocking caps, ski caps, ski masks, do-rags, pull-ons, visors, berets, helmets, bandanas, beanies, sweatbands, handkerchiefs, or hoods ("hoodies") whether attached or not to shirts or sweatshirts K-12 while in the school building from the beginning of the school day to the end of the school day as established in the formal school schedule.
6. Not include any other form of headgear not mentioned in # 5 except for medical or religious purposes, with documentation.
7. Spectators at football games must wear appropriate shirts, sweaters, jackets or coats at all times (the chest and back must be completely covered).
8. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
9. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

As part of the annual review process, the student dress code, as defined above, will be reviewed in the spring of each year by the Code of Conduct committee with input solicited from parents, staff and the H.S. Student Government. Recommendations for revision, if any, will be provided to the Board of Education by May 1st for action prior to June 30th.

CODE OF CONDUCT

5300.25 EXPECTATIONS FOR STUDENT CONDUCT

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

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

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

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise that is disruptive over time to the peace and harmony of the classroom and/or the school building.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
8. Using beepers, cell phones, headsets, CD players, iPods or any other electronic devices during the school day. Students will be permitted to carry these devices; however, they must not be visible on the student's person, must be turned off and may not be used during the school day. THE SCHOOL IS NOT LIABLE FOR THE LOSS OR DAMAGE OF THESE ITEMS.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Leaving a classroom without the teacher's permission.
5. Misusing classroom passes
6. Failure to wear student identification tags (student IDs)

C. Engage in conduct that is disruptive. An example of disruptive conduct includes:

1. Failing to comply with school rules and the Code of Conduct.

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 or doing any of these repeatedly [fighting]) 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 or doing any of these repeatedly [fighting]) 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 or using any weapon.

These include, but are not limited to:

- a. A firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;
 - b. A switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
 - c. A billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
 - d. A sandbag or sand club;
 - e. A sling shot or slung shot;
 - f. A martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken;
 - g. An explosive, including but not limited to, a firecracker or other fireworks;
 - h. A deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - i. An imitation gun;
 - j. Loaded or blank cartridges or other ammunition; or
 - k. Any other deadly or dangerous instrument.
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, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel
2. Unlawful or reckless driving or parking
3. 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.
4. Robbing (forcible stealing) or stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
5. Burglary
6. 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.
7. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
8. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
9. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

10. Bullying, which consists of willful, persistent, abusive or insulting, coercive, manipulative or hostile behavior, abuse of a position of power (being bigger in size or stronger or older) which makes the recipient feel upset, threatened, humiliated or vulnerable, and which undermines his or her self-confidence, productive attitude and/or his or her ability to develop socially, emotionally or intellectually, and which may cause him or her any degree of stress or other psychological suffering. Bullying may be in the form of remarks, put-downs, teasing, taunting, or badgering and may be verbal or in writing.
11. Cyber-bullying consists of the use of information/communication technologies such as land-line telephones, cell phones, text messaging, e-mail, instant messaging, message boards, personal websites, personal web pages or spaces on commercial websites (i.e. YouTube.com or MySpace.com), polling sites or blogs, to produce, encourage or support deliberate, repeated, abusive, derogatory or insulting, coercive, manipulative, threatening or hostile written statements, pictures or videos (whether the statements are true or not, or whether the pictures or videos are valid or fabricated) by an individual or group with the intent to cause harm to an individual or group and which makes the recipient feel upset, threatened, humiliated or vulnerable, and which undermines his or her self-confidence, productive attitude and/or his or her ability to develop socially, emotionally or intellectually, and which may cause him or her any degree of stress or other psychological suffering.
12. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
13. Any form of coercion.
14. Selling, using or possessing obscene material.
15. Using vulgar or abusive language, cursing or swearing.
16. Smoking a cigarette, cigar, pipe or using chewing tobacco or smokeless tobacco.
17. Spitting on school property.
18. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substance commonly referred to as "designer drugs" or "club drugs," such as "ecstasy."
19. Inappropriately using or sharing prescription and/or over-the-counter drugs.
20. Gambling.
21. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
22. Initiating a report warning of fire or other catastrophe (e.g. bomb threat) without valid cause, misuse of 911, or discharging a fire extinguisher.
23. Engaging in inappropriate intimate physical contact on school property or at any school event on or off campus, either forcibly or with no forcible compulsion.
24. Associates or affiliates with a gang; intentionally causes, encourages, or solicits another person to join a gang; provides any material form of support to a gang or its causes; provides any conspicuous moral support for a gang or its cause through egregious gang-like language, dress, or the carrying of gang paraphernalia.

- 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. (Please see the district's Transportation Code of Conduct on Page 50.)
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
 - 1. Plagiarism, including electronic resources.
 - 2. Cheating, including cheating through the use of electronic communications devices.
 - 3. Copying.
 - 4. Altering records.
 - 5. Assisting another student in any of the above actions.

CODE OF CONDUCT

5300.30 REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal, Assistant Principal or Dean. Any student who witnesses a violent or criminal act or is aware of a potentially violent or criminal act on school property or at a school function shall promptly report the matter to a teacher, guidance counselor, school security officer, the building Principal, Assistant Principal, Dean or Superintendent of Schools. The District will hold the identity of the reporter in confidence to the maximum extent possible.

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 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.

CONCERNING REPORTING OF HARRASSMENT, INTIMIDATION, BULLYING or CYBER-BULLYING: Any student or building employee who has witnessed or has reliable information that a person has been subjected to the above must report such incident to the Principal or his/her designees. The Principal will then initiate an investigation of the incident and take appropriate action in response as necessary. The district will make available forms for the reporting of such incidents. These forms will be available in the Principal's office of each building.

CODE OF CONDUCT

5300.35 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

1. The student's age.
2. The nature of the offense and the circumstances that 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.

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 may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Assistant Principal, Dean, Superintendent or the Superintendent's designee
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Assistant Principal, Dean, the Principal's designee, Superintendent or the Superintendent's designee
4. Student/teacher conference
5. Student/teacher/parent conference (which may also include the dean, assistant principal or guidance counselor)
6. Teacher detention or administrative detention - teachers, Principal, Assistant Principal, Dean, the Principal's designee, Superintendent or the Superintendent's designee
7. Suspension from transportation - Coordinator of Transportation, Principal (or designee), Superintendent (or designee)
8. Suspension from athletic participation - coaches, Principal, Assistant Principal, Dean, Director of Athletics, Superintendent or the Superintendent's designee

9. Suspension from social or co-curricular activities or extracurricular activities – activity advisor, Principal, Assistant Principal, Dean, Superintendent or the Superintendent's designee
10. Suspension of other privileges - Principal, Assistant Principal, Superintendent or Superintendent's designee
11. Alternative Instructional Program (In-school) – Principal (or designee), Assistant Principal, Superintendent
12. Removal from classroom by teacher - teachers, Principal, Assistant Principal, Dean
13. Short-term (five days or less) suspension from school - Principal, Assistant Principal, Superintendent or Superintendent's designee
14. Long-term (more than five days) suspension from school - Superintendent, Board
15. Permanent suspension from school - Superintendent, Board.

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, written notification to their parents, or student/staff conferences 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. Teachers may assign 10th Period teacher detention as part of the student's school workday without informing the student's parent or guardian. Administrative after-school detention may also be imposed as a penalty. The administrator must inform the parent or guardian of the date(s) and time(s) of the detention before the student serves. If the parent or guardian suggests other dates or times for the detention due to family or transportation constraints, the administrator will work with the parent or guardian to modify them as such. The parent/guardian has up to one week from the day the administrator assigned the detention to work with him/her to modify the date(s) and times(s).

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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education in a timely fashion after being notified of the situation.

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

3. Suspension from athletic participation, co-curricular activities and other privileges

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

with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. Alternative Instructional Program (AIP)

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 Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in an alternative education program in school.

A student who is placed in an alternative educational program is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with a school official 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. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 Principals.

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

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record

them for subsequent presentation, if necessary.

a. Short term (five days or less) Suspension from School

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

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

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 30 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 of Education, also within 30 days of the decision.

b. Long term (more than five days) Suspension from School

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 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 whole or in part the decision of the Superintendent. Final

decisions of the Board may be appealed to the Commissioner of Education, also within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Upon 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.
- f. Other extenuating circumstances.

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

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

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

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

D. Guidance Interventions

- Parent Outreach: School counseling staff will keep parents informed of their child's behavior and will enlist the parent as a partner in addressing areas of concern. Outreach to the parent can include, but is not limited to: a phone call and/or written communication.
- Intervention by Counseling Staff: Where available, school-based counseling staff can intervene with students who are upset during and after the disciplinary process. Services can include brief interventions, consultations and assessments, screenings, crisis intervention, referrals and linkage with community-based programs.
- Guidance Conference: Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent or guardian. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.
- Individual/Group Counseling: Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.
- Peer Mediation: Peer mediators help classmates identify the problems behind their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.
- Mentoring Program: A mentoring program matches a mentor who may be a counselor, teacher, student and/or leader with a protégé. The object of this relationship is to help the protégé in his/her personal, academic and social development.
- Conflict Resolution: Conflict resolution provides an opportunity to empower students to take responsibility for peacefully resolving conflict. The related activities teach students, parents, and staff, problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.
- Development of individual behavior contract: Students meet with teachers, counselors or the school psychologist to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent or guardian.
- Short-term behavioral progress reports: Teachers and/or counselors, deans, assistant principals or principals may send behavioral progress reports to parents/guardians on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.
- Referral to IST (Instructional Study Team): Instructional Study Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that an individualized plan can be created to help students overcome their academic and/or socio-emotional difficulties.
- Community Service (with parental consent): Students may be provided with community service opportunities so that they gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents. Community service can help students occupy their time with positive activities, avoid negative behavior and learn the value of service to others.
- Referral to a Community Based Organization (CBO): Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or

group counseling, leadership development, conflict resolution and tutoring.

- Referral to appropriate substance abuse counseling services: In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.

E. Referrals to Outside Agencies

- PINS Petitions

The district may file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of contact, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.11. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

- Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies to juvenile offender status under the Criminal Procedure Law § 1.20 (42).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

CODE OF CONDUCT

5300.40 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.

CODE OF CONDUCT

5300.45 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations (e.g. Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, NYS Education Law and Part 200 and 201 of the Commissioner's Regulations.)

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- a. The Board, the district (BOCES) Superintendent of Schools or a Principal 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 and not to exceed the amount of time a non-disabled student would be suspended for the same behavior.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be suspended for the same behavior.
- c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- i. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except [for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - ii. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - iii. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A 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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The District's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's

disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents/guardians or persons in parental relationship of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - i. conducted an individual evaluation and determined that the student is not a student with a disability, or
 - ii. determined that an evaluation was not necessary and provided notice to the parents/guardians or persons in parental relationship of such determination, in the manner required by applicable law and regulations.
3. 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.
4. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes remain in the educational placement determined by the district, which can include suspension.
5. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
6. The parents/guardians or persons in parental relationship of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians or persons in parental relationship of non-disabled students under the Education Law.
7. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
8. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such

removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

9. During a period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing 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, or 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.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

CODE OF CONDUCT

5300.50 CORPORAL PUNISHMENT

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

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

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

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

CODE OF CONDUCT

5300.55 STUDENT SEARCHES AND INTERROGATIONS

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

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

An authorized school official may conduct a search of 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 person. Individuals, other than the district employees, will be considered reliable 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 will ask the student whether he/she possesses the suspected items. Searches will be limited to the extent necessary to locate the evidence sought.

Administrators will ensure the presence of another school-based adult when a search is conducted. 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.

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 informants.
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. Witness(es) to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his 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. 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 Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

D. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the Director of Pupil Personnel Services or his or her designee. The Principal or designee shall

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

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

CODE OF CONDUCT

5300.60 VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal (or designee) upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. The classroom teacher will notify the Principal when arrangements for such visits are made.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. 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.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
9. Students may not have visitors from other schools or from out of town.
10. All alumni must abide by the above rules and must schedule a visit to specific school personnel.

CODE OF CONDUCT

5300.65 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.

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 school district property (including graffiti or arson) or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, gender expression, body type 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. Smoke or use tobacco in any form on school property or at a school function.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

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

C. Enforcement

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

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

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

CODE OF CONDUCT

5300.70 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 a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the Code of Conduct written in plain language to all parents/guardians or persons in parental relationship of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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, as well as parent/teacher associations or site-based teams, regarding in-service programs pertaining to the management and discipline of students.

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 no later than 30 days after adoption.

The Student and Parent/Guardian's Plain Language Guide to the Nyack School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention

Nyack's Code of Conduct is "developmentally appropriate." It is organized first by grade level clusters (K-5 and 6-12), then by level of disciplinary offense, with Level 1 offenses being the least serious, and Level 5 offenses being the most serious. Each grade level cluster and disciplinary offense level lays out its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or Pupil Personnel Services (PPS) interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive. The below charts are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or PPS interventions. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the below charts. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the below charts. The District also reserves the right to modify disciplinary responses and/or PPS interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e. a student may engage in behavior that severely hurts another at the beginning of the year and receive a 5-day out-of-school suspension because of the seriousness of the offense; the same student, 5 months later, may engage in "rough-housing" and receive a 1-day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic. No offense in the Nyack Public Schools' Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic 5-day out-of-school suspension to a student who has engaged in a fight, or that automatically assigns a 3-day suspension to a student who has engaged in verbal abuse towards another student); rather, district administrators, having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question *to the degree* that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences (See page 23, "Minimum Periods of Suspension.") The Superintendent and her designees however have the power to modify these.

Disciplinary consequences that are also listed in the New York State Penal Code however have automatic ranges of consequences.

Levels 4 and 5 contain offenses that are also listed in the New York State Penal Code. Therefore the "Possible Disciplinary Responses" columns in Levels 4 and 5 are divided into 2 levels of disciplinary responses: FIRST TIER and SECOND TIER. Students found guilty of offenses that are also listed in the NYS Penal Code (marked with the symbol "Δ") will likely be recommended to receive consequences in both the "FIRST TIER" and "SECOND TIER" sections of the "Possible Disciplinary Responses" column. Students found guilty of offenses that are not listed in the NYS Penal Code (not marked with the symbol "Δ") may receive only "FIRST TIER" consequences, or may receive consequences in both the "FIRST TIER" and "SECOND TIER" sections of the "Possible Disciplinary Responses" column.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school. Any infraction against the Code that occurs off the premises of the Nyack Public Schools that endangers the safety, morals, health or welfare of students or staff members within the school and/or adversely affects the educative process may result in disciplinary consequences being assigned to a student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

Any disciplinary offense resulting in the consequence of In-school Suspension or Out-of-school Suspension will also carry the consequence of suspension from any and all extracurricular activities on each day of the suspension. In addition, on each day(s) of an out-of-school suspension, the student will not be permitted to on the grounds of the Nyack Public Schools.

KINDERGARTEN-GRADE 5 – LEVEL 1

<u>Infractions – Behaviors that are insubordinate or disorderly.</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Unexcused absences or latenesses to school (Note: Out-of-school suspension may not be given for this offense.)	<ul style="list-style-type: none"> • Warning by school personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Lead Teacher • Confiscation of electronic device until the end of the school day • Suspension or exclusion from extracurricular activities • Having to eat lunch in the Principal's office • Removal from classroom by teacher • Out-of-school suspension (OSS) 	<ul style="list-style-type: none"> • Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization
Using disallowed electronic devices during the school day		
Failing to be in one's assigned place on school premises		
Behavior that disrupts the educational process (excessive noise anywhere in the building)		
Verbally rude or disrespectful behavior		
Wearing any headgear		
Wearing any clothing or other items disruptive to the educational process		
Using school computers, faxes, telephones or other electronic devices without appropriate permission		
Running in the halls		

KINDERGARTEN-GRADE 5 – LEVEL 2

<u>Infractions – Behaviors that are disorderly or disruptive</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Smoking	<ul style="list-style-type: none"> • Warning by school 	<ul style="list-style-type: none"> • Parent contact
Gambling		

Blocking the flow of spectator traffic at athletic events (home or away) thereby causing a potentially dangerous situation (i.e. “cheering” within the walkway or on the retainer wall within the spectator stands at MacCalman Field, or sitting or standing on the steps or in the aisles of the bleachers in the gymnasium when requested to sit down within the stands).	<ul style="list-style-type: none"> • personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Lead Teacher • Suspension or exclusion from extracurricular activities • Having to eat lunch in the Principal’s office • Loss of bus riding privileges as per the district’s Transportation Code of Conduct • Loss of computer privileges • Removal from classroom by teacher • Out-of-school suspension (OSS) 	<ul style="list-style-type: none"> • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Substance abuse counseling
Using profane, obscene vulgar, lewd or abusive language or gestures		
Misusing school property or property belonging to others		
Engaging in or causing disruptive behavior on the school bus		
Leaving class or the school building or premises without permission		
Failure to be in one’s assigned place during a school-sponsored event off campus		
Violating the district’s Telecommunications Regulation		
Engaging in cheating, plagiarizing or colluding*		
Possession or use of lighter or matches		
Engaging in a persistent pattern of Level 1 behavior		

*A. **Cheating** (e.g., copying from another’s test paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test; knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one’s self to take a test; submitting another student’s work as one’s own; copying or stealing another student’s work; permitting another student to copy one’s work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.]

B. **Plagiarizing** (appropriating another’s work, including electronic works, and using it as one’s own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person’s creative work or ideas as one’s own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student’s oral or written work.) (Grades 4-5 only)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

KINDERGARTEN-GRADE 5 – LEVEL 3

<u>Infractions – Seriously Disruptive Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Insubordination: defying or disobeying the lawful authority of school personnel	<ul style="list-style-type: none"> • Warning by school personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Lead Teacher • Suspension or exclusion from extracurricular activities • Having to eat lunch in the Principal’s office • Suspension of bus riding privileges as per the district’s Transportation Code of Conduct • Suspension of computer privileges • Payment to restore damages for graffiti or other vandalism to property • Removal from classroom by teacher • Out-of-school suspension (OSS) • Superintendent’s hearing • Superintendent’s hearing and extension of out-of-school suspension 	<ul style="list-style-type: none"> • Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with the consent of student’s parent/guardian)
Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender expression, sexual orientation, disability or body type.		
Verbal abuse		
Shoving, pushing or engaging in other similar physical behavior (e.g. rough-housing)		
Throwing objects (e.g. chalk, food or snowballs)		
Bringing unauthorized visitors to school		
Engaging in unwanted physical contact		
Engaging in seriously disruptive behavior on the school bus		
Vandalism, graffiti, or other intentional damage to school property or grounds		
Forgery		
Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress.		
Posting personal student videos or school videos that invade the privacy of others on YouTube (or any other such Internet site) to be seen by other students or school-community members while they are on their computers		
Engaging in a persistent pattern of Level 2 behavior		

KINDERGARTEN-GRADE 5 – LEVEL 4

<u>Infractions – Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
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Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	<p>FIRST TIER</p> <ol style="list-style-type: none"> 1. Lead teacher or principal/parent conference 2. Suspension or exclusion from extracurricular activities 3. Having to eat lunch in the Principal's office 4. Reimbursement to the district's food service for food stolen from the cafeteria 5. Removal from classroom by teacher 6. Suspension of bus riding privileges as per the district's Transportation Code of Conduct <p>SECOND TIER</p> <ol style="list-style-type: none"> 7. Out-of-school suspension (OSS) 8. Superintendent's hearing 9. Superintendent's hearing and referral to an alternate educational placement 10. Superintendent's hearing and extension of out-of-school suspension 	<ul style="list-style-type: none"> • Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with the consent of student's parent/guardian) • Referral to appropriate substance abuse counseling services
Endangering the health, safety and/or welfare of (an)other(s).		
Violations of suspension		
Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in minor injury		
Coercion, extortion, or threatening violence, injury or harm to another or others		
Engaging in behavior on a school bus or at a bus stop that creates a substantial risk of or results in injury		
Any form of harassment, intimidation, bullying or cyber-bullying		
Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal		
Verbal assault		
Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		
Possessing alcohol, illegal drugs or drug paraphernalia, or controlled substances without appropriate authorization (with regard to controlled substances- without appropriate authorization) ΔΔ (if the substance is illegal)		
Stealing (not forcible) (including food from the cafeteria)		
Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		

Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause injury by and in themselves (e.g. umbrellas, lighters, forks, pencils, etc.)		
Possession, sale or use of any form of fireworks ΔΔ		
Arson ΔΔ		
Causing a riot ΔΔ		
Possessing any weapon ΔΔ		
Using controlled substances without authorization, alcohol or illegal drugs ΔΔ		
Engaging in a persistent pattern of Level 3 behavior		

KINDERGARTEN-GRADE 5 – LEVEL 5

<u>Infractions – Seriously Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	<u>FIRST TIER</u> 1. Lead teacher or principal/parent conference 2. Suspension or exclusion from extracurricular activities 3. Having to eat lunch in the Principal’s office 4. Removal from classroom by teacher 5. Suspension of bus riding privileges as per the district’s Transportation Code of Conduct <u>SECOND TIER</u> 6. Out-of-school suspension (OSS) 7. Superintendent’s hearing 8. Superintendent’s hearing and referral to an alternate educational placement 9. Superintendent’s hearing and extension of out-of-school suspension 10. Possible police involvement	<ul style="list-style-type: none"> • Parent contact • Intervention by PPS staff • PPS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with the consent of student’s parent/guardian) • Referral to appropriate substance abuse counseling services
Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
Kidnapping (also includes the forced confinement of another person against his/her will in a place on the grounds of the Nyack Public Schools) ΔΔ		
Participating in an incident of extreme group disruption or group violence		
Engaging in physical sexual aggression: compelling or forcing another to engage in sexual activity ΔΔ		
Selling or distributing alcohol, illegal drugs or controlled substances ΔΔ		
Using any weapon or dangerous instrument (see Page 14), other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ		

Causing injury or serious injuring by using any weapon or dangerous instrument (see Page 14), other than a firearm, against school personnel, students or others ΔΔ		
Possessing or using a firearm ΔΔ		
Causing injury or serious injury by using a firearm against school personnel, students or others ΔΔ		
Homicide (murder) ΔΔ		

GRADES 6 – 12 – LEVEL 1

<u>Infractions – Insubordinate Behaviors</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Unexcused absences or latenesses to school or to class, cutting classes (including BOCES), or leaving school early without permission (NOTE: Out-of-school suspension may not be given for this offense,)	<ul style="list-style-type: none"> • Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities* (See full text below.) • Having to eat lunch in a location other than the cafeteria • Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Confiscation of electronic device until the end of the school day and returning the device only after a parent meeting is held • Suspension of parking or driving privileges • Revocation of parking or driving privileges • Towing of car at owner's expense • Suspension of open 	<ul style="list-style-type: none"> • Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Initiation of a PINS Petition
Misusing school passes		
Failing to wear student ID ⁺		
Lending a senior ID to an 11th, 10th or 9th grader; lending a junior ID to a 10 th or 9 th grader		
Cutting teacher or administrative detention		
Violating parking privileges (including parking in another student's space or parking in an unauthorized location) (11 th and 12 th graders)		
Being driven off campus by a 12th grader (9th, 10th and 11th graders)		
Using any disallowed electronic devices during the school day		
Failing to be in one's assigned place while on school premises		
Failure to follow school procedures		
Unauthorized use of school elevator		
Behavior that disrupts the educational process (excessive noise anywhere in the building or loitering at lockers in classroom corridors after the late bell)		

Verbally rude or disrespectful behavior	<ul style="list-style-type: none"> campus privileges • Revocation of open campus privileges • Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS) 	
Wearing any headgear		
Possession or use of lighters or matches		
Wearing any clothing or other items disruptive to the educational process		
Using school computers, faxes, telephones or other electronic devices without appropriate permission		

**Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text: 1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participant or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion. 2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools. 3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

+ ID tags must be worn by students at all times. The proper location of the ID tag is around the neck on a lanyard or clipped to the collar or shirt placket. The ID tag must be visible at all times and not tucked inside of a pocket or a book or a book bag. Defacing (scratching, writing, covering with stickers, etc.) of the ID tag is not permitted. Students who deface their ID tag will be expected to purchase a new ID tag. Persistent forgetfulness or refusal to wear the ID tag will be considered as insubordination and the student in question will be given consequences as such. (See Level 3)

GRADES 6 - 12 – LEVEL 2

<u>Infractions – Behaviors that are disorderly or disruptive</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Smoking	<ul style="list-style-type: none"> • Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or 	<ul style="list-style-type: none"> • Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a
Gambling		
Blocking the flow of spectator traffic at athletic events (home or away) thereby causing a potentially dangerous situation (i.e. "cheering" within the walkway or on the retainer wall within the spectator stands at MacCalman Field, or sitting or standing on the steps or in the aisles of the bleachers in the gymnasium when requested to sit down within the stands).		
Unauthorized vehicle on school property		

Running in the halls or intentionally “bumping” others in the halls during passing time	<p>extracurricular activities* (See full text below.)</p> <ul style="list-style-type: none"> • Having to eat lunch in a location other than the cafeteria • Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Suspension of bus riding privileges as per the district’s Transportation Code of Conduct • Suspension of parking or driving privileges • Revocation of parking or driving privileges • Suspension of open campus privileges • Revocation of open campus privileges • Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS) 	<p>community-based organization</p> <ul style="list-style-type: none"> • Substance abuse counseling • Initiation of a PINS Petition
Using profane, obscene, vulgar, lewd or abusive language or gestures		
Lying to, giving false information to, or misleading school personnel		
Misusing school property or property belonging to others		
Engaging in or causing disruptive behavior on the school bus		
Engaging in a persistent pattern of Level 1 behavior		

**Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student’s time as a student in the Nyack Public Schools.

Full text: 1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion. 2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools. 3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES 6 - 12 – LEVEL 3

<u>Infractions – Seriously Disruptive Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Insubordination: defying or disobeying the lawful authority of school personnel	<ul style="list-style-type: none"> • Warning by school personnel • Student/teacher or student/teacher/parent conference 	<ul style="list-style-type: none"> • Parent contact • Intervention by guidance staff • Guidance conference • Individual/group
Persistent forgetfulness or refusal to wear one’s student ID tag.		

Entering or attempting to enter another school building without authorization	<ul style="list-style-type: none"> • Student/dean or assistant principal conference • Pass restrictions • Reprimand by Principal • Detention • Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities⁺ (See full text below) • Having to eat lunch in a location other than the cafeteria • Exclusion from certain parts of the building (lunchroom, library, computer rooms, etc.) • Suspension of bus riding privileges as per the district's Transportation Code of Conduct • Suspension of computer use privileges • Payment to restore damages for graffiti or other vandalism to property • Suspension of parking or driving privileges • Revocation of parking or driving privileges • Suspension of open campus privileges • Revocation of open campus privileges • Removal from classroom by teacher • Alternative Instructional Placement (AIP) • Out-of-school suspension (OSS) • Superintendent's hearing • Superintendent's hearing and referral to an alternate educational placement • Superintendent's hearing and extension of out-of-school suspension • Police involvement 	<p>counseling</p> <ul style="list-style-type: none"> • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling • Initiation of a PINS Petition
Failure to be in one's assigned place during a school-sponsored event off the NHS campus		
Being on another school campus during NHS or the other school's operating hours without proper authorization from both schools		
Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender expression, sexual orientation disability or body type		
Verbal abuse		
Shoving, pushing or engaging in other similar physical behavior (e.g. rough-housing)		
Throwing objects (e.g. chalk, food or snowballs)		
Bringing unauthorized visitors to school or allowing unauthorized visitors to enter the school building		
Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means		
Forgery		
Vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others		
Knowingly possessing property belonging to another without his/her authorization		
Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress.		
Posting personal student videos or school videos that invade the privacy of others on YouTube (or any other such Internet site) to be seen by other students or school-community members while they are on their computers		
Engaging in academic dishonesty, including by use of electronic communication devices*		

Violating the district's "Telecommunications Regulation" (e.g. use of the district's system for non-educational purposes or security or privacy violations)		
Engaging in or causing serious disruptive behavior on the school bus		
Engaging in a persistent pattern of Level 2 behavior		

A. Cheating** (e.g., copying from another's test** paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test; knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one's self to take a test; submitting another student's work as one's own; copying or stealing another student's work; permitting another student to copy one's work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.]

B. Plagiarizing (appropriating another's work, including electronic works, and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person's creative work or ideas as one's own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student's oral or written work.)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

** A *test* is any examination ranging from a quiz to a final, local, a NYSTP ELA, Math, Science or Social Studies Exam, any Regents, RCT, ACT or SAT.

****Work* is a homework assignment, a paper, a project, a report, take-home test, or any other work that the teacher intended the student to complete independently.

PENALTIES FOR ACADEMIC DISHONESTY:

Any act deemed in violation of the rules listed above will result in a zero for the work involved. The teacher will report the incident to the Principal who will contact the parents and oversee the enforcement of disciplinary actions.

When a student is deemed guilty of repeated academic dishonesty, failure for the entire course will result regardless of other grades earned in the course. Repeated dishonesty assumes that the student was notified of earlier violations.

Situation one: Two offenses will lead to course failure when at least one offense involves a major research project, a final project, a midterm or final exam.

Situation two: Course failure will result when two major assignments or tests are involved (take-home tests, full-length essays, chapter or book tests, etc.)

Situation three: Three offenses involving any type of test or assignment will also result in failure for the course. The student will also be subject to additional penalties when appropriate.

**Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student’s time as a student in the Nyack Public Schools.

Full text: 1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion. 2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools. 3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES 6 – 12 – LEVEL 4

<u>Infractions – Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	<p>FIRST TIER</p> <ol style="list-style-type: none"> 1. Conference with parent and dean or assistant principal or principal 2. Reprimand by Principal 3. Pass restrictions 4. Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities* (See full text below.) 5. Reimbursement to the district’s food service for food stolen from the cafeteria 6. Having to eat lunch in a location other than the cafeteria 7. Detention 8. Removal from classroom by teacher 9. Suspension of bus riding privileges as per the district’s Transportation Code of Conduct 10. Suspension of computer privileges 11. Suspension of parking or driving privileges 12. Revocation of parking or driving privileges 13. Suspension of open campus privileges 14. Revocation of open 	<ul style="list-style-type: none"> • Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling • Initiation of a PINS Petition
Endangering the health, safety and/or welfare of (an)other(s).		
Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		
Engaging in sexual conduct on school premises or at school related functions whether on or off campus ΔΔ		
Violations of suspension or misbehavior in AIP**		
Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in minor injury		
Coercion, extortion, or threatening violence, injury or harm to another or others		
Engaging in behavior on a school bus or at a bus stop that creates a substantial risk of or results in injury		
Any form of harassment, intimidation, bullying or cyber-bullying		

Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal	<p>campus privileges</p> <p>15. Alternative Instructional Placement (AIP)</p> <p><u>SECOND TIER</u></p> <p>16. Out-of-school suspension (OSS)</p> <p>17. Superintendent's hearing</p> <p>18. Superintendent's hearing and referral to an alternate educational placement</p> <p>19. Superintendent's hearing and extension of out-of-school suspension</p> <p>20. Police involvement</p> <p>21. Referral to the County Attorney for a juvenile delinquency proceeding before the Family Court</p>	
Verbal assault		
Possessing alcohol, illegal drugs or drug paraphernalia, or controlled substances (with regard to controlled substances- without appropriate authorization) ΔΔ (if the substance is illegal)		
Stealing (not forcible) (including food from the cafeteria)		
Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		
Endangering the health, safety and welfare of others through gang-related offenses***		
Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause harm by and in themselves (e.g. umbrellas, matches, lighters, forks, pencils, Bunsen burners, etc.)		
Reckless driving or driving underclassmen off campus		
Possession, sale or use of any form of fireworks ΔΔ		
Arson ΔΔ		
Causing a riot ΔΔ		
Possessing any weapon ΔΔ		
Using controlled substances without authorization, alcohol, or illegal drugs* ΔΔ		
Engaging in a persistent pattern of Level 3 behavior		

*Students found guilty of this infraction for the first time will be given an out-of-school suspension, a Superintendent's Hearing (with the possibility of an extension of the Principal's suspension depending on the seriousness of the incident), and will not be permitted to attend the Senior Prom. Students will be able to earn back the opportunity to attend the Prom if they meet with the School Community Counselor and upon his/her recommendation, attend further substance abuse counseling and/or perform community service. Should students repeat this infraction however, they will lose the privilege of attending the Senior Prom for that particular school year.

** Includes, but is not limited to, the following violations of suspension: any misbehavior in the AIP room, returning to the building or to the campus, or going to school-sponsored event while under suspension, or committing any infraction in the community related to the issue(s) at school that initiated the suspension.

*** The term "gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission

of one or more criminal acts, which has an identifiable name or an identifying sign or symbol, and whose members individually or collectively engaged or have engaged in a pattern of gang activity. The term “gang member” means any individual who is part of, associated with, or otherwise affiliated with a gang as defined above. “Gang activity” means the commission by a gang member, in a singular commission, attempt to commit, conspiring to commit, or soliciting others to commit a criminal act on NYS property in the presence of two or more other gang members.

School administrators who have reasonable suspicion that a student 1. is associated or affiliated with a gang, 2. intentionally causes, encourages, or solicits another person to join a gang, 3. provides any material form of support to a gang or its causes, 4. provides any conspicuous moral support for a gang or its cause through egregious gang-like language, dress, or the carrying of gang paraphernalia may charge the student in question with endangering the health, safety and welfare of others, in light of the definition stated above.

**Suspension* means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student’s time as a student in the Nyack Public Schools.

Full text: 1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion. 2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools. 3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

GRADES 6 – 12 – LEVEL 5

<u>Infractions – Seriously Dangerous or Violent Behavior</u>	<u>Possible Disciplinary Responses</u>	<u>Possible PPS Interventions</u>
Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	<p><u>FIRST TIER</u></p> <ol style="list-style-type: none"> 1. Conference with parent and dean or assistant principal or principal 2. Reprimand by Principal 3. Penalties up to and including suspension or exclusion from some or all co-curricular or extracurricular activities** (See full text below.) 4. Having to eat lunch in a location other than the cafeteria 5. Detention 6. Removal from classroom by teacher 7. Loss of bus riding privileges as per the district’s Transportation Code of Conduct 8. Loss of computer 	<ul style="list-style-type: none"> • Parent contact • Intervention by guidance staff • Guidance conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Individual student contract • Short-term behavioral progress report • Referral to IST • Referral to a community-based organization • Community service (with permission of parent/guardian) • Substance abuse counseling
Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
Kidnapping (also includes the forced confinement of another person against his/her will in a place on the grounds of the Nyack Public Schools) ΔΔ		
Participating in an incident of extreme group disruption or group violence		
Engaging in physical sexual aggression: compelling or forcing another to engage in sexual activity ΔΔ		

Selling or distributing alcohol, illegal drugs or controlled substances* ΔΔ	privileges 9. Suspension of parking or driving privileges	<ul style="list-style-type: none"> • Initiation of a PINS Petition
Using any weapon or dangerous instrument (see Page 14), other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ	10. Revocation of parking or driving privileges 11. Suspension of open campus privileges	
Causing injury or serious injury by using any weapon or dangerous instrument (see Page 14), other than a firearm, against school personnel, students or others ΔΔ	12. Revocation of open campus privileges 13. Alternative Instructional Placement (AIP) <u>SECOND TIER</u>	
Possessing or using a firearm ΔΔ	14. Out-of-school suspension (OSS) 15. Superintendent's hearing	
Homicide (murder) ΔΔ	16. Superintendent's hearing and referral to an alternate educational placement 17. Superintendent's hearing and extension of out-of-school suspension 18. Superintendent's hearing and extension of out-of-school suspension including up to one year (use of firearm) 19. Police involvement 20. Referral to the County Attorney for a juvenile delinquency proceeding before the Family Court	

*Students found guilty of this infraction for the first time will be given an out-of-school suspension, a Superintendent's Hearing (with the possibility of an extension of the Principal's suspension depending on the seriousness of the incident), and will not be permitted to attend the Senior Prom. Students will be able to earn back the opportunity to attend the Prom if they meet with the School Community Counselor and upon his/her recommendation, attend further substance abuse counseling and/or perform community service. Should students repeat this infraction however, they will lose the privilege of attending the Senior Prom for that particular school year.

** *Suspension* means for a defined amount of time (for example, the rest of the semester). *Exclusion* means for the rest of a particular school year or for the rest of a student's time as a student in the Nyack Public Schools.

Full text: 1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion. 2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from co-curricular or extracurricular activities will not be reimbursed by the Nyack Public Schools. 3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

Nyack Public Schools Transportation Code of Conduct

The school bus is an extension of the classroom. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely. Student cooperation is mandatory for the safety of our children. Excessive noise, pushing, shoving and fighting will not be tolerated. In order to ensure discipline, health, welfare and safety, video cameras may be used to monitor student behavior on vehicles transporting students to and from school or extracurricular activities. In addition to the guidelines set forth in the Code of Conduct and The Student and Parent/Guardian's Plain Language Guide to the Nyack School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention, students riding on school buses must abide by the following rules:

- Never engage in conduct that creates an unsafe environment for yourself or other students or impairs the driver's ability to drive safely.
- Bus passes must be carried whenever riding the bus.
- Never run to catch the bus if you are late.
- Follow the bus driver's instructions & always obey all safety rules. At no time will a student act toward, or address comments to a bus driver in a disrespectful manner, or refuse to cooperate with the driver.
- Cross at least 10 feet in front of the bus – wait for the driver to signal okay.
- Never cross behind the bus
- While waiting for the bus, stay in a spot that is safely away from the road.
- Do not run or play while waiting for the bus.
- Stay in line and do not push when getting on or off the bus.
- Always remain seated while on the bus. Do not change seats.
- Bus driver is authorized to assign seats.
- No eating or drinking on the bus.
- No drugs or alcohol on the bus.
- No smoking on the bus. No lighting matches.
- Keep head, arms, etc. inside the bus at all times.
- Keep books, feet and other objects out of the aisles of the bus.
- During the bus ride student should face forward and keep their feet on the floor in front of them.
- Talk in a quiet voice; loud noises create an unsafe condition.
- No horse playing, fighting, or use of obscene, vulgar or profane language either on the bus or at the bus stop.
- Do not be destructive to the bus. Do not mark, cut or scratch any part of the bus.

- Emergency door and exits are to be used only during supervised drills or actual emergencies.
- Never attempt to operate the passenger door or other driver controls except in case of an emergency.
- After getting off the bus walk at least 15 feet away from the bus or wait for the driver's signal before crossing in front of the bus. If you drop something near the bus never pick it up while the bus is there.

Students who engage in inappropriate conduct on the school bus will be subject to disciplinary action for their behavior, including, but not limited to: conference with Principal, conference with Principal and parent(s), suspension from the bus and/or additional suspension from school.

The levels listed below are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or PPS interventions. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the below charts. The District also reserves the right to modify disciplinary responses and/or PPS interventions based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances.

Level One – Unacceptable behavior includes, but is not limited to: Intentionally taking an unassigned bus without permission, failing to properly take seat upon boarding bus; unauthorized use of bus pass; occupying an unreasonable amount of seating space; failing to remain properly seated while bus is in motion; littering or soiling the bus; shouting or other loud or boisterous behavior; refusing to follow driver's instructions; engaging in horse-playing, rough-housing or wrestling; crossing roadway improperly after leaving bus; annoying other children; behaving in an unsafe or unruly manner at bus stop; using improper bus or bus stop; engaging in profanity or obscene talk; eating on bus; and talking back to driver or otherwise showing lack of respect.

Level One - Discipline Practice:

First Bus Referral: Principal conference with student who may be reminded by principal of expected bus behavior and next referral would result in suspension of riding privilege. Copy of referral and principal's comments sent to parents.

Second Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for one to three (1-3) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.

Third Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for two to four (2-4) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.

Fourth Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for five (5) days. In the event a bus suspension is deemed appropriate, a bus suspension letter and a copy of referral will be given or sent to the parents by the principal.

Fifth Bus Referrals: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

Level Two - Behavior that warrants suspension from bus includes, but is not limited to: Fighting; throwing objects inside or outside the bus; putting arms, head or object out of bus window; lighting matches on the bus; damaging the seats, glass or other parts of the bus; and throwing snowballs or other missiles at the bus.

Level Two – Suspension Practice:

First Bus Referral: Possible bus suspension for five (5) or more days.

Second Bus Referral: Possible bus suspension for ten (10) or more days.

Third Bus Referral: Possible bus suspension for fifteen (15) or more days.

Fourth Bus Referral: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

Level Three - Behavior that warrants suspension from bus includes, but is not limited to: Fighting or wrestling; smoking or use of drugs or alcohol while on the bus; using obscene language and exiting bus through backdoor, roof hatch, window or any other manner that compromises the safety of the student(s) without permission.

Level Three – Suspension Practice:

First Bus Referral: Possible bus suspension of twenty (20) or more days.

Second Bus Referral: Possible bus suspension of thirty (30) or more days.

Third Bus Referral: Possible bus suspension of forty (40) or more days.

Fourth Bus Referral: Student may be suspended from the bus for one full quarter or it's equivalent number of days.