

2023-2024

# Richfield Springs Central School District

## New York State Regulated Code of Conduct

BOE Approved: 8/9/23

### Statement of Policy

It is the intent of the Richfield Springs Central School District to provide each student with the opportunity to achieve his or her own personal best and, through the development of self-discipline, to assist in the formation of character so each may become a full and valuable member of society. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. It is the responsibility of the Richfield Central School District to provide a safe and secure environment for its students, for its staff, and for all other members of the public who have a reason to visit our campus or attend our activities.

To achieve these goals, the District establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with Article 2-A of the Education Law, with the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioners Regulations and in collaboration with student, teacher, administrators and parent organizations, school safety personnel and other school personnel.

This Code governs the conduct of everyone – student or adult – who is present at a school sponsored event or on school property. This Code governs conduct on all District property, which includes school buses operated by or on behalf of the District, and also includes areas that are leased by the District.

### Definitions

For the purpose of this code, the following definitions apply.

**“Cyberbullying”** means harassment or bullying that occurs through any form of electronic communication.

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

**“Disruptive student”** means an elementary (PK-6) or secondary (7-12) student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

**“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

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

**“Harassment”** or **“Bullying”** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in Education Law section 11(8), that either

- ☐ has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or with the student’s mental, emotional and/or physical well-

- being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
- reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety

This Code applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

**“Hazing”** means committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term “hazing” includes, but is not limited to: humiliating, degrading or dangerous activities: substance abuse of alcohol, tobacco or illegal drugs: any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student: or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.

**“Illegal Substances”** include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, and look alikes (including synthetic cannabinoids) and prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others.

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

**“Repeatedly Substantially Disruptive Student”** means a student who is removed from the classroom by a teacher more than four (4) times in a semester will be considered to be repeatedly substantially disruptive of the educational process.

**“Retaliation”** means when any member of the school community retaliates against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have retaliated even if the underlying complaint of harassment is not found to be a violation of this code of conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

**“School Bus”** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**“School function”** means any school-sponsored extra-curricular event or activity. For the purposes of this policy, a “school function” is defined as any event, occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips.

**“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 on a school bus, as defined in Vehicle and Traffic Law §142.

**“Sex”** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**“Sexting”** means sending, receiving or forwarding sexually suggestive, sexually explicit, nude, or nearly nude

photos through text message, email or other electronic/digital means.

**“Sexual Orientation”** means a person’s identity in relation to the gender or genders to which they are sexually attracted.

**“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.
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.

**“Threat of Violence”** refers to any written, electronic, verbal message, or gesture that poses risk to a victim and/or public safety.

**“Tobacco Products”** means cigarettes, cigars, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis and kreteks as well as matches and lighters.

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **Role of School Personnel and Parents**

### **Role of Teachers and Support Staff**

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, with the intent of strengthening students’ self-concept and promote confidence to learn.
- 2) Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
- 3) Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
- 4) Explain school rules and regulations regarding student behavior to students and others and require observance of them.
- 5) Comply with this Code of Conduct
- 6) Be fair, firm and consistent in enforcing school rules in buildings, school buses, on the school campus and at school functions.
- 7) Give positive reinforcement for acceptable behavior.
- 8) Demonstrate, by word and personal example, respect for law and order and self-discipline.
- 9) Refer to a counselor or administrator any student whose behavior requires special attention.
- ☐ Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.

- ☐ Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- ☐ Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- ☐ Report orally to their principal, the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report.

**Role of District Health/Mental Health Personnel, e.g., psychologists, social workers, counselors, nurses, and school based preventative workers**

- 1) Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- 2) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 3) Report orally to their principal, the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than (2) school days after the initial oral report.

**Role of School Bus Drivers**

- ☐ Do his/her best to maintain conditions within the school bus, at bus stops and within school loading zones which will enable him/her to carry out their professional responsibilities and to achieve maximum safety for students leading to professional satisfaction.
- ☐ Understand that each member of the community, e.g., student, staff, parent or visitor is worthy of respect and consideration.
- ☐ Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender sex, or other legally protected category which will strengthen student's self-concept and promote confidence to learn.
- ☐ Know school policies and bus rules and enforce them in a consistent and fair manner.
- ☐ Communicate and demonstrate interest in student safety and academic success.
- ☐ Communicate to students and parents:
  - ☐ bus rules and riding behavior expectations
  - ☐ bus stop behavior expectations
  - ☐ loading and unloading crossing procedures
  - ☐ role of parent at the bus stop
  - ☐ bus route information as it relates to each student and/or parent
- ☐ Communicate regularly with students, parents and supervisor concerning the student's achievement related to bus safety goals.
- ☐ Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- ☐ Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- ☐ Report orally to the principal, the superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report.

## **Role of Administrators**

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, with the intent of strengthening students' confidence and promote learning.
- 2) Communicate to staff, students, and visitors consistent expectations for conduct meeting the standards set by this Code.
- 3) Help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
- 4) Receive teacher or counselor referrals of students with behavior problems; confer with these students and otherwise conduct appropriate fact-finding; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
- 5) Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify behavior problems and seek solutions.
- 6) Provide the opportunity for students and staff to approach the administrator directly for redress of grievances.
- 7) Be fair, firm and consistent in all disciplinary decisions affecting students, parents and staff.
- 8) Maintain open lines of communication between the school and the home.
- 9) Assume responsibility for the dissemination and enforcement of the District's discipline policy and ensure that all cases are resolved promptly.
- 10) Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.
- 11) Facilitate the acquisition by staff members of knowledge and skills that support their implementation of this Code.
  - ☐ Report orally to the building principal, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than (2) school days after the initial oral report.
  - ☐ Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
  - ☐ Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

## **Role of Parents**

- 1) Send their child to school as required by the New York State Education Law.
- 2) Insist on prompt and regular attendance.
- 3) Make certain that lawful absences are properly documented with a written explanation.
- 4) Provide for their child's health, personal cleanliness and suitable grooming and dress.
- 5) Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
- 6) Teach their child respect for law, for the authority of the school and for the rights and property of others.
- 7) Know, understand and support the rules their child is expected to observe at school, including the rules regarding proper dress, the prohibition on use of tobacco, weapons, and alcohol, and respect for others.
- 8) To be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's action
- 9) Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments.
- 10) Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities and by attending parent-teacher conferences and school functions.

## **Role of Superintendent**

- ☐ Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
  - ☐ Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
  - ☐ Inform the Board about student discipline.
  - ☐ Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
  - ☐ Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
  - ☐ Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students' self-concept and promote confidence to learn.
  - ☐ Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
  - ☐ Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 9) Process in a timely manner all reports of harassment, bullying and/or discrimination, including insuring that an appropriate investigation is conducted and appropriate reports are made to law enforcement.

## **Role of Board of Education**

- 1) Adopt, support and review a clearly defined code of conduct.
- 2) Provide conditions within the school community that are conducive to a positive learning environment.
  - Provide a fair hearing to any appeal from an administrative disciplinary decision.
  - Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
  - 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.
  - Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students' self-concept and promote confidence to learn.
  - Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

## **Attendance Policy and Procedures (BP 7002)**

All children between the ages of six and sixteen must attend school in New York State. Education Law states that students must remain in school until the end of the school year in which they turn sixteen. College admissions offices and future employers use attendance records as a means of determining dependability and good citizenship. Daily attendance and punctuality are essential for promotion and success in school and life. The administration and professional staff of the RSCS District believe that regular attendance in classroom instruction is an integral part of the learning process and that there is a significant relationship between academically engaged time and student achievement. Regular attendance is critical in credit-bearing classes; therefore, it is the policy of the RSCS District that students enrolled in grades 9–12 are subject to an attendance policy. *BP 7002*

For safety concerns, we ask that parents or guardians call in the absence or tardy of a student to the attendance office. The phone number for the attendance office is 858–0610 extension 1010. If a student is absent and the school has not been notified, the school may attempt to contact the parents or guardian. If a parent hasn't called in the absence, a written excuse must be turned into the attendance office the day the student returns. A student absent without the consent of his parent/guardian is truant. Repeated truancy may be the cause of further disciplinary action. Any time a student is absent, legally or illegally, he/she is expected to make up the work

missed.

Students are expected to be at the school at 8:00AM and in their first period classes at 8:05AM. Students will be considered tardy if they are not in class at that time. Students are to report to the main/front door office for a pass if they are tardy to the building for their first period class. A written excuse is required. Three tardies equals one absence. Students who are late to school without a legal excuse will be subject to disciplinary action.

All excuses must have a reason for the absence. If there is no reason listed, it will be considered an illegal absence. The excuse must be specific. "Appointment" is not specific and will be counted as an illegal absence. If a student has been to a doctor or dentist's office, the office will gladly supply a doctor's note. If it is necessary for a student to leave school early for an appointment, the nurse's office or the main office must receive verbal or written permission from the parent. These requests should be brought to the nurse's office or main office at the beginning of the day so that teachers and other staff can be notified that a student will be leaving. A student must sign out at the main/front door office. If a student becomes ill, he must ask for permission to leave class and report immediately to the nurse's office. If he/she needs to go home, he/she is to report to the nurse's office so parents/guardians be contacted. Students are not to leave without checking in with the nurse.

Any student who is absent from school for the entire day should not be at school in the evening for any event. Extra-curricular activities have clear guidelines about participating if a student is absent for the entire day, but if a student is too sick to be in school, he/she is too sick to be at a concert, dance, game, or other activity.

A student may not be absent (legally or illegally) for more than sixteen days of instruction from a full year course or more than eight days of instruction from one semester course. This is a seat time requirement; students who go over this threshold will lose credit in the class regardless of the absence(s) being legal or illegal. These numbers will be prorated if a student enters the class after the beginning of the year. Students are reminded that three tardies to a class equals one absence from that class. A class tardiness of more than twenty minutes will equal an absence.

### **Compulsory Education Law**

According to the School Law of the State of New York, all children between the ages of 6 and 16 must be in attendance at school at all times during which the school is in session. The following conditions make it possible for a student to be legally absent:

#### **Legal Absences:**

- Illness; personal or family
- Death in the immediate family
- Emergency and/or medical or dental appointment
- Absences approved in advance with school principal (registration for draft, job interviews, college visitations, etc.)
- Authorized religious holidays
- Court dates (documentation required)
- Approved field trips
- Driving permit and driving test
- Religious observances

Whenever possible, medical and dental appointments are to be scheduled outside of school time. Students having such appointments on a regular basis should schedule them so as to avoid missing the same class each time.

The reasons for absence listed below are considered by school authorities to be illegal absences within the meaning of the compulsory education law and will be documented as an illegal absence or tardy and may be a violation of our code of conduct.

#### **Illegal absences:**

- Truancy

Missing the school bus  
Family trips while school is in session  
Shopping  
Hunting, fishing, attendance at games  
Birthday or other celebrations  
Employment - including paper routes and baby-sitting

Presence in class is defined as the physical presence in class or working under the direction of the teacher or tutor approved and appointed by the school. Students receiving and successfully completing a course of approved alternative instruction/home instruction taught by a school approved tutor will be considered present for all classes and allowed to try final examinations for promotion. For students with disabilities and 504 students, absences cannot be held against him/her for attendance policy purposes, if the absences were attributable to his/her disability. In most cases, suspended students' days of suspension will not be counted as absences, unless the student is offered alternative instruction and fails to attend such instruction. OSS students should get their work before they leave the school or contact the guidance office to have the work picked up. However, suspended students' days out of instruction will count against him/her for the purposes of perfect attendance status.

The Richfield Springs Central School District has set forth strict "seat time" requirements for all students. Consequently, students who have exceeded the absence level in a particular course will automatically lose credit in that course, regardless of their final grade. As a result, he/she will be required to retake the class as follows depending on circumstances and time of year: assigned a new class (1st semester to 2nd semester), assigned an alternative program at RSCS, remain in the class to audit it to take the NYS exams, attend and complete BOCES Regional summer school, or attend and complete a rigorous and comprehensive credit recovery program. Per the New York State Education Department, "to receive credit, the student must successfully complete the make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable. A make-up program may include, but is not limited to, repeating an entire course, a summer school program, receiving intensive instruction in the deficiency area or digital learning (online study). If the school wishes to offer an online program of study it must be comparable in scope and quality to regular classroom instruction, provide for documentation of satisfactory student achievement, and include regular and substantive interactions."

### **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/guardians 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, including hair style/color, jewelry, make-up and nails, shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief garments and/or garments that are deemed provocative, such as clothing exposing breasts, buttocks, navels, and/or is transparent.
- Ensure that underwear is completely covered with outer clothing at all times. Underwear will not be visible.
- Include footwear at all times. Footwear that is a safety hazard is discouraged. Flip flops and high heeled shoes can pose a safety issue on stairways and in travel. Parents/guardians should discourage wearing these kinds of footwear. Flip flops are NOT to be worn in physical education classes K-12. Closed toed shoes are required in the wood shop.
- Hats and hoods: Remove hats for ceremony, such as the Pledge of Allegiance. Hats are allowed in hallways between classes, at breakfast and lunch. The wearing of hats in the classroom is not allowed in grades P-10. The wearing of hats in the classroom is at the discretion of the faculty and staff in grades 11 & 12. Hoods are not allowed to be pulled up at any time.

- Clothing shall 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 and shall not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities. Clothing and attire displaying the Confederate flag is prohibited.
- Blankets are not allowed in school during the instructional day.

The building principal or his/her designee shall be responsible for informing all students and their parents/guardians 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.

BP 7041

### **Eligibility/Ineligibility Policy for Academics**

An academic eligibility policy has been designed by a committee of faculty, coaches, parents/guardians and administration. Listed below are the key components.

Students in grades 7-12 failing two or more subjects will be considered ineligible to participate in athletics and the school play/musical. All classes are considered (English, social studies, math, science, foreign language, technology, PE, art, chorus/band and other electives).

Ineligible time periods will follow progress report dates and report card dates. Ineligibility lists will be in effect for the full five-weeks.

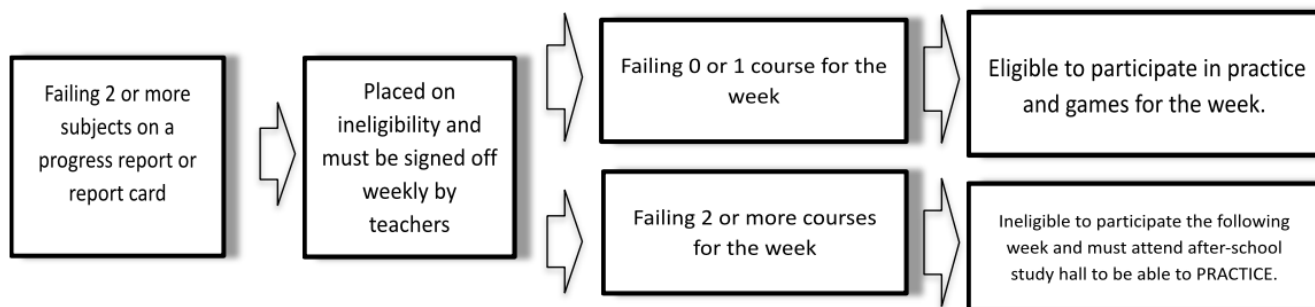
During the period of academic ineligibility students cannot participate in any athletic event, play, and/or musical production. Students can become eligible if they complete a weekly progress sheet and prove that they are not failing two or more classes. Each week during the five-week period the student must follow the process described below:

- Every Monday morning ineligible students who wish to become eligible will pick up an eligibility sheet from the principal's office.
- Each student must get this progress sheet signed by ALL of the student's current teachers, including the teachers of the classes they are failing (as noted on the progress report or report card). Students will get their current averages and teachers' signatures notated on their progress sheet.
- This progress sheet must be returned to the principal by 3:00 on Monday.
- If the student is not failing two classes, then he/she becomes eligible for that week and receives the privilege of participating in all games, practices, and productions without any restrictions (Status-GREEN).
- If the student completes a weekly progress sheet and is still failing two or more classes, then the student becomes ineligible and must stay after school for extra help from 3:00 to 4:00 pm on Monday through Thursday. In return for staying after school the student will be allowed to practice, but he/she will not be allowed to play or attend games or be in a production/musical. Depending on practice

times, students often have to miss parts of their practice while staying after for extra help. Students need to get a pass from their teacher before going to practice. If a student does not show up for extra help after school, they cannot practice (Status- YELLOW).

- a. If a student does not hand in their progress sheet on Monday, they immediately become ineligible and cannot practice, attend games/productions, and/or participate in games/productions (Status- RED)

This pass is good for one week (beginning on Monday through the following Monday). The progress sheets needs to be completed weekly. The student must follow this process each week during the five-week period. The building principal will send coaches a weekly status report indicating the current eligibility of each student.



### **Extracurricular Eligibility Policy for Athletics, Clubs, and Activities**

Participating in a sport or club at Richfield Springs Central School is an honor and a privilege. It is not a right. Since we expect our students who represent us both in the village of Richfield Springs and in the areas to which they travel to be fine examples of upstanding citizens and good representatives of our school, we have listed the following rules and regulations to govern participation in all extracurricular activities, including both athletics and non-athletic extracurricular. This is what the school expects from students as representatives of the school and the community.

The purpose of these regulations is to familiarize the parents/guardians with the responsibilities a student must assume in order to represent the school in any extracurricular activity. This policy will be in effect during the duration of the student's participation in any extracurricular activity. If a student violates rules and regulations in one sport or activity, it will affect any other sports or activities in which he/she is involved.

For the purposes of this document, the following definitions exist:

- ☐ A **SPORT** is any athletic activity listed by the NYSPHSAA as a sport.
- ☐ An **ACTIVITY** is any club, and/or a non-credit bearing school-related event such as the musical, color guard or marching band.
- ☐ **EXTRACURRICULAR APPEALS COUNCIL** will consist of the following: Jr./Sr. high principal, teacher, head coach or advisor, athletic director and/or coordinator, and guidance counselor.

### **Standards for Participation in Extracurricular Activities and Athletics**

In an effort to ensure that all extracurricular activity programs at Richfield Springs Central School uphold the general ideals of citizenship, responsibility and sportsmanship, standards of conduct have been established for students participating in any extracurricular or sports program. For the purpose of minimizing ambiguities or misinterpretation of these standards, the following definitions and regulations

shall be used as follows:

**Academic Eligibility:** In order for a student to be eligible to participate in extracurricular activities, the student must maintain a scholastic standing consistent with the Academic Eligibility Policy.

**Citizenship:** School behavior and satisfactory citizenship must prevail at all times. The student will at all times conduct himself or herself properly in both action and speech, on and off school property.

**Sportsmanship:** Students will represent Richfield Springs Central School with good sportsmanship at all times. Students will be expected to treat all coaches, game officials, teammates, spectators, judges, and opponents with respect.

**Participation and Practice:** Students are expected to be at all practices and rehearsals. Students must see the advisor or coach personally if they are to be excused from practices or meetings and must have a sufficient reason for being excused.

**Equipment:** Each student and parent/guardian will assume the responsibility for caring for all uniforms, equipment, and supplies issued to the student by the advisor, coach, or his representative(s) and for returning all such equipment and supplies to the advisor or coach at the conclusion of each season/year. Parents/guardians and students will be charged the replacement value of any lost or damaged equipment, uniforms, and supplies. Students will not be allowed to participate in another sport or activity until that matter is settled. This responsibility does not, of course, include damage done to the equipment, etc. under supervised use.

**Transportation:** All students will ride to and from extracurricular events held out of the district on school provided transportation. If parents/guardians want their son or daughter to ride home with them, they must first speak to the advisor personally and, secondly, must sign-out their son or daughter using the Student-Athlete Bus Transportation Release Form provided by the coach/school. A student may be signed out by another adult IF there is a note from the student's parent/guardian to do so. The adult signing out the student must speak to the advisor personally, and must sign-out the student on the Student-Athlete Transportation Release Form.

**Injury:** A participant who is under a doctor's care for any injury will not be permitted to participate until the doctor gives approval in writing.

**Legal Absences:**

Illness; personal or family

Death in the immediate family

Emergency and/or medical or dental appointment

Absences approved in advance with school principal (registration for draft, job interviews, college visitations, etc.)

Authorized religious holidays

Court dates (documentation required)

Approved field trips

Driving permit and driving test

Religious observances

**Illegal absences:**

Truancy

Missing the school bus

Family trips while school is in session  
Shopping  
Hunting, fishing, attendance at games  
Birthday or other celebrations  
Employment - including paper routes and baby-sitting

**Truancy:** A pupil whose parent/guardian expects him/her to be in school and who does not attend other than for a lawful reason is truant.

#### Rules Governing Absences and Tardiness

- ☐ If a pupil is absent from school due to illegal absence or illness, the pupil is not permitted to practice or participate in any extracurricular or sport event scheduled for that day or night.
- ☐ If a student is tardy to or absent from school with a legal reason, he/she may participate. The student must bring a written excuse or the parent/guardian must contact the school nurse by phone stating the reason. If it is a medical appointment, a doctor's note is required.
- ☐ If he/she is tardy due to illegal reasons or illness, he/she may participate that day if he/she arrives by 9:45. This rule applies for two illegal tardies per year. After the second illegal tardy, he/she will sit out that day and any subsequent days he/she is tardy.

#### Rules Governing Unacceptable Behaviors

- ☐ Quitting – Any student who quits an activity or sport or is removed for disciplinary reasons will not be allowed to participate in another activity or sport until the matter is reviewed. For sports, the Extracurricular Appeals Council will be convened as soon as possible at the request of any of the people involved. The Council has to meet and grant approval before the student can participate again. For activities, advisors will be given the discretion about further participation.
- ☐ Students will not use or possess any tobacco products.
- ☐ Students will not drink or possess alcoholic beverages.
- ☐ Students will not use or possess stimulants, depressants, steroids, or drugs not prescribed by a doctor.
- ☐ Any other reasonable rules may be established by the advisor or coach who would protect RSCS from activity by student participants which could be deemed detrimental to the team or group, the school, or the community. These rules
  - ☐ Must be written and submitted to and approved by a school principal and/or athletic director one week before the activity or sports practices start.
  - ☐ Must be attached to the contract signed by the student and parent.
  - ☐ Must also list a reasonable penalty for violation.
- ☐ Any student who has ISS or OSS for the day will not be allowed to participate in any sport or extracurricular activity that same day.

#### **Advisors' and Coaches' Actions for Violations of Rules**

Any violations of 2, 3, or 4 above will result in the following actions:

#### **First Violation:**

- ☐ Immediate two-week suspension from all athletic contests and activities.
- ☐ If there are no contests or performances in that two week period (for example preseason), the student will be suspended from the very next contest/performance. Students will be required to continue to practice and will attend any contests or performances, dressed in school clothes (not uniforms), and sitting with the team or the advisor.
- ☐ He/she will be required to participate in educational activities related to alcohol, tobacco, and drug issues by the end of the two-week suspension period.

- ☐ Violations at the end of the season or activity schedule will be carried over to the next season or time in which the student chooses to participate.

**Second Violation:** The student will be dropped from all activities and sports for a complete calendar year. If, after being suspended from participation for a calendar year, that student has no further violations for one more calendar year, he/she will be given a “clean slate.” The punishment for that student’s next violation would revert to the original two-week suspension.

**If a student is arrested** or convicted of a crime, he/she will be immediately removed from the team or activity. The Extracurricular Appeals Council will review any student arrested for any reason. Any investigation of the facts of off-school grounds conduct will be undertaken to determine whether a conduct rule has been violated. Any such violation will result in the appropriate suspension as per the code described above. It is recommended that the Extracurricular Appeals Council meet as soon as possible to determine final action. The school attorney should be present or consulted on all matters involving this action.

**Reporting of Violations:** Reports of alleged violations to numbers 2, 3, or 4 above must come from individuals listed below and must be investigated. These reports should be made in writing to the principal and/or athletic director within three school days of the incident.

- ☐ Any district employee or school board member
- ☐ Any adult acting as a chaperone or assisting with a school activity at the request of a district employee
- ☐ Any law enforcement officer or agency
- ☐ A parent/legal guardian of the athlete involved.

Reports of alleged violations from persons other than those mentioned above must be made in writing by a person who has first-hand knowledge of the incident. These reports must be investigated if it is determined that the allegation has merit.

### **Appeals Process:**

It is the student’s right to appeal rules governed by the Extracurricular Eligibility Policy for Athletics, Clubs, and Activities, which is comprised of administrators, teachers and coaches. The Extracurricular Appeals Council has the authority to make exceptions to the rules in cases of extraordinary circumstances.

In making appeals, the following chain of command is in effect: Advisor or coach, Extracurricular Appeals Council, Superintendent, and Board of Education. Students or parents/guardians who wish to appeal the decision must follow the chain of command. *BP 7045, 7051, 7051.1, 7053 & 7053.1*

## **Student Rights and Responsibilities**

### **A. Rights of Students**

- 1) Learn in an environment free of bullying, discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status;
- 2) Be treated respectfully by those in the school community;
- 3) Receive notice of the expectations for their behavior, and, when circumstances permit, an opportunity to explain their conduct;
- 4) Participate equally in all school activities regardless of actual or perceived race, color, weight,

- national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex or any other legally protected status;
- 5) Any other rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.
  - 6) Have complaints about school-related incidents investigated and responded to.

## **B. Responsibilities of Students**

- 1) Comply with the standards of conduct listed in the Code of Conduct.
- 2) Be aware of and obey all laws, school rules and regulations.
- 3) Accept responsibility for their own actions.
- 4) Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 5) Attend school regularly and punctually.
- 6) Maintain habits of personal cleanliness.
- 7) Respect school property and the property of others.
- 8) Strive for mutually respectful relationships with teachers and administrators, recognizing their role as surrogate parent in matters of behavior and discipline.
- 9) Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others.
- 10) Be honest in all situations.
- 11) Act and speak respectfully about issues/concerns.
- 12) Use non-sexist, non-racist and other non-biased language.
- 13) Use communication that is non-confrontational and is not obscene or defamatory.

## **C. Additional Standards for Student Conduct**

1. Acceptable and appropriate conduct by students shall be consistent with the standards of conduct and student responsibilities outlined in this code of conduct.
2. In addition, the following conduct is not acceptable if engaged in by students:
  - ☐ Stealing, lying, cheating, plagiarism or other acts of dishonesty.
  - ☐ Disrespect toward an administrator, faculty or other staff member, student or visitor.
  - ☐ Failure to attend District programs as scheduled without a valid excuse, including failure to remain for the full scheduled school day.
  - ☐ Any willful act which disrupts the normal operation of the school community, including failure to comply with the directions of a teacher, administrator, or other staff member or volunteer.
  - ☐ Unacceptable bus behavior including not staying seated, throwing objects, excessive loudness or other activities that distract the driver of the bus.
  - ☐ Public displays of affection
  - ☐ Possession of any medication, prescription or non-prescription, on District property or while attending a District event, unless possession is authorized by the District's Student Medications Policy.
3. In addition to the preceding standards of conduct, the District prohibits bullying, discrimination and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse. The prohibition of bullying, discrimination and harassment includes, but is not limited to, threats, intimidation, or abuse based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex or any other legally protected status.

## **D. Recognition of Positive Student Behavior**

The District shall identify and implement methods of recognizing and reinforcing positive student behavior, in ways appropriate to the student's grade level. This effort may include honor rolls, affiliation with honorary societies, and the providing of special privileges to students whose conduct is commendable. The Board encourages the public recognition of student achievement through the District newsletter and website.

## **VI. Reporting Violations**

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

Any teacher, administrator, employee, Board member, or other person may report a violation of the student disciplinary code to the building principal or his or her designee. The principal may then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the committee on special education, as deemed necessary.

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 if warranted, which may include permanent suspension and referral for prosecution.

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

Offenses which involve conduct such as stealing, damaging property and physical violence that does not result in serious injuries are matters that may be handled by the administration without the assistance of law enforcement. Whenever criminal conduct occurs, school staff shall not discourage or prevent crime victims from filing a complaint with local law enforcement. Whenever conduct involves drugs, assaults where there are serious injuries or inappropriate sexual acts, immediate notification to law enforcement by the building principal or his or her designee is necessary.

Certain acts of misconduct which occur may require the exercise of reasonable judgment by staff in consultation with the principal or superintendent in order to determine whether referral to law enforcement officials is appropriate, or whether the matter will be handled solely through the District's student discipline system.

### **A. Dignity Act Coordinators**

Prevention is the cornerstone of the District's effort to address bullying and harassment. In order to implement its anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex and any other legally protected status.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements

of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

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

The District's designated Dignity Act Coordinators are:

7-12 Principal, 315-858-0610

PK-6 Principal, 315-858-0610

## **B. Reporting Discrimination, Harassment and Bullying**

The building principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

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

Upon receipt of a complaint (even an anonymous complaint), or if a District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the building principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

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

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

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

physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the principal is the alleged offender, the report will be directed to the superintendent of schools.

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

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

The principal must notify promptly the superintendent of schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

### **C. Reporting Sex Crimes/Child Abuse in the Educational Setting**

When an incident occurs on school property and the incident involves child sexual abuse or any other inappropriate sexual conduct, whether that conduct involves only students or an employee of the school District and a student, that conduct must be immediately reported to the local county sheriff's office.

If school staff learn of child abuse that has occurred in an educational setting (for the purposes of this section, "educational setting" shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred), they shall prepare a written report of the allegations and transmit it to the school administrator. The written report from the mandatory reporter must be completed and turned in immediately upon learning of the conduct. Upon receipt of a written report of allegations of child abuse in the educational setting the school administrator must determine if there is reasonable suspicion to believe that the abuse has occurred. Upon making such a positive determination the report must be forwarded to the appropriate law enforcement agency.

## **VII. Prohibited Student Conduct; Offenses, Interventions and Consequences; and Procedures and Referrals**

### **A. Prohibited Student Conduct**

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

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

The rules of student conduct listed hereafter are intended to 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.

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 may be subject to disciplinary action (as more specifically set forth in Article VII (B) of this Code of Conduct) when they:

1. Engage in conduct that is disorderly.
2. Engage in conduct that is insubordinate.
3. Engage in conduct that is disruptive.
4. Engage in conduct that is violent.
5. Engage in any conduct that endangers the safety, morals, health or welfare of others.
6. Engage in misconduct while on a school bus.
7. Engage in any form of academic misconduct.
8. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or adversely affect the educational process.
9. In addition to the dress code above, a student's dress, grooming, and appearance, including hair style/color, jewelry, make-up and nails, shall:
  - a) Be safe, appropriate and not disrupt or interfere with the educational process.
  - b) Recognize that extremely brief and/or garments deemed provocative are not appropriate.
  - c) Ensure that underwear is completely covered with outer clothing.
  - d) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
  - e) Not include the wearing of trench coats, hoods, bandanas, or headgear in the building except for a medical or religious purpose.
  - f) Not include items that are deemed vulgar, obscene, libelous or denigrate others
  - g) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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.

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

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

- a) The student's age.
- b) The nature of the offense and the circumstances, which led to the offense.
- c) The student's prior disciplinary record.
- d) The effectiveness of other forms of discipline.
- e) Information from parents, teachers and/or others, as appropriate.
- f) 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. Instances of the same type of conduct (e.g.,

disrupting education, or damaging property) may be more or less severe, and may therefore warrant a greater or lesser consequence. The purpose of all discipline is to teach students appropriate and constructive behaviors. Disciplinary measures shall be appropriate to the age level and seriousness of the offense and, where applicable, to the previous discipline record of the student.

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

## **B. Offenses, Interventions, and Consequences**

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

<b>RANGE OF CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES</b>		
<b><i>I OPTIONS</i></b> Oral Warning Written Warning Loss of privilege Conference with student Written notification to parent Restricted Study Hall Detention Various Restorative Practices	<b><i>II OPTIONS</i></b> Various Restorative Practices Removal from classroom by teacher Suspension from transportation Suspension from athletic participation <input type="checkbox"/> Suspension from social extracurricular activities <input type="checkbox"/> Suspension of other privileges <input type="checkbox"/> In-school suspension <input type="checkbox"/> Short-term suspension <input type="checkbox"/> Long-term suspension	<b><i>III OPTIONS</i></b> Various Restorative Practices Long term suspension Permanent suspension

The school personnel identified after each penalty below are authorized to impose one or more, 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, superintendent
3. Loss of privilege – counselors, teachers, principal, coaches, superintendent
4. Conference with student - counselors, teachers, principal, superintendent.
5. Written notification to parents – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
6. Restricted Study Hall – any member of the district staff who is responsible for supervising students
7. Detention – teachers, principal, superintendent
8. Suspension from transportation – director of transportation, principal, superintendent
9. Suspension from athletic participation – coaches, principal, superintendent
10. Suspension from social or extracurricular activities – activity director, principal, superintendent
11. Suspension of other privileges – principal, superintendent
12. In-school suspension – principal, superintendent
13. Removal from classroom by teacher – teachers, principal
14. Short-term (five days or less) suspension from school – principal, superintendent,

- board of education
15. Long-term (more than five days) suspension from school – superintendent, board of education
  16. Permanent suspension from school – superintendent, board of education.

The range of consequences for certain offenses shall be determined after reviewing the consideration provided above, and shall be in keeping with the following:

<b>Offense</b>	<b>Description/Examples</b>	<b>Range of Consequences</b>
A. Absence (Unlawful)	An absence for a day or any portion of a day for any reason other than those cited as lawful and/or failure to bring a note by a parent/guardian to verify a lawful absence.	I – II
B. Academic Misconduct	Examples of academic misconduct include, but are not limited to: <ol style="list-style-type: none"> <li>1. Plagiarism.</li> <li>2. Cheating.</li> <li>3. Copying.</li> <li>4. Altering records.</li> <li>5. Assisting another student in any of the above actions.</li> </ol>	I-III
C. Alcohol/ Illegal Substances Violation	Possession, distribution, consumption, being under the influence, or sale of illegal substances, alcoholic beverages or drug paraphernalia on school property, at a school function, on a school bus, or in a school vehicle. Over the counter medications cannot be possessed or distributed.	II - III
D. Arson/fire	Attempting to, aiding in, or setting fire to a building or other property.	II - III
E. Bus Misbehavior	Any violation of bus behavior rules. 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, including but not limited to: <ol style="list-style-type: none"> <li>1. Cooperate with the driver;</li> <li>2. Be respectful of others in language and actions (appropriate language, keeping aisles clear, no fighting, etc.);</li> <li>3. Demonstrate self-control (stay seated, no excessive noise, do not throw anything in/at/out of bus, do not harass others, etc.); and</li> <li>4. Be responsible for your own behavior (no tobacco, alcohol, drugs or weapons, keep bus clean, no writing on seats, etc.).</li> </ol>	I- II
F. Cheating/Academic Dishonesty	Copying, plagiarizing, altering records, or assisting another in such actions.	I- III
G. Computer/ Electronic Communication Misuse	Any unauthorized use of computers, software, or internet/intranet account to access internet/intranet; accessing another's e-mail or an inappropriate	I -III

	website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices.	
H. Conduct that endangers the safety, morals, health, or welfare of others	<p>Examples of such conduct includes but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Lying to school personnel.</li> <li>2. Intimidation, which includes engaging in actions (e.g., physical contact, threatening gestures) or statements that put an individual in fear of bodily harm.</li> <li>3. Selling, using or possessing obscene material.</li> <li>4. Using vulgar or abusive language, cursing or swearing.</li> <li>5. Using, possessing, or sharing prescription and over-the-counter drugs.</li> <li>6. Using, possessing, or sharing drug-like paraphernalia.</li> <li>7. Gambling.</li> <li>8. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.</li> <li>9. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.</li> <li>10. Engaging in any act of sexual misconduct.</li> <li>11. Inappropriate display of public affection on school grounds or when in attendance at a school sponsored function.</li> <li>12. Driving on school grounds in an unsafe or reckless manner (e.g., speeding, spinning tires, passing stopped school bus).</li> <li>13. 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.</li> <li>14. 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.</li> </ol>	I-III
I. Cutting class	Illegal absence from a class or school activity.	I-II
J. Cyberbullying	As defined in Article II above.	I- III
K. Defamation	False or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group.	I -II
L. Destruction of Property/ Vandalism	Damage, destruction, or defacement (graffiti) of property belonging to another or the school.	II-III
M. Discrimination	Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not	II-III

	limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.	
N. Disrespect Toward Others	Inappropriate comment or physical gesture to a student, teacher, staff member, or other adult.	I -II
O. Disorderly Conduct	Behavior disturbing the atmosphere or order of the school or others. Examples of disorderly conduct include, but are not limited to: 1. Causing a disruption in the hallways. 2. Making unreasonable noise. 3. Obstructing vehicular or pedestrian traffic. 4. Engaging in any willful act, which disrupts the normal operation of the school community. 5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. 6. Computer/electronic communications misuse, including but not limited to any unauthorized use of computers, electronic devices, electronic notebooks/pads, software, or internet/intranet account; accessing inappropriate websites; engaging in any instance of cyberbullying; or any other violation of the district's acceptable use policy. 7. The display and/or use by students of cellular phones and 2-way communication systems (including, but not limited to, voice recorders, digital cameras, video recorders, and music listening devices) are only allowed in the hallway between classes and in the cafeteria during breakfast/lunch. Students are not allowed to use portable electronic devices during study halls. 8. Forgery. Falsely or fraudulently making or altering a document.	I-III
P. Disruption – Classroom	Behavior that is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.	I -III
Q. Disruption – School	Behavior that interferes with the safe and orderly environment of the school or school activity.	I-III
R. Disruptive Conduct- General	Examples of disruptive conduct include, but are not limited to: 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students. 2. Engaging in a verbal confrontation with another student or a staff member.	I-III
S. Dress Code Violation	Failure to follow the student's dress, grooming and appearance requirements as set forth above.	I-II
T. Driving/ Parking Violations	Failure to obey all state, district, and campus traffic and parking signs and rules.	I-II
U. Failure to Serve Assigned Consequences	Failure to serve detention, Saturday detention, suspension or other assigned consequences.	I-II

V. False Alarms/Bomb Threats	Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.	II-III
W. Fighting	A hostile confrontation with physical contact involving two or more students.	II-III
X. Fireworks or Explosives	Possession, use, and/or threat to use a firework, smoke bomb, flare, or combustible or explosive substance.	II-III
Y. Gambling	Wagering money or property.	I-II
Z. Harassment and/or Bullying	As defined in Article II above.	I-III
AA. Hazing	As defined in Article II above.	I-III
BB. Indecent Exposure	Exposing the private parts of the body in a lewd or indecent manner.	I-III
CC. Insubordination	Refusing to follow reasonable requests of teachers, staff, or administration, including failure to identify self or knowingly providing false information. Examples of insubordinate conduct include, but are not limited to: 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect. 2. Lateness for, missing, or leaving school or a classroom without permission. 3. Skipping detention. 4. Entering a classroom without permission.	I -III
DD. Leaving school grounds without permission	Leaving school grounds during regular school hours without written or verbal permission from parent/guardian, administrator or someone listed on the emergency procedure card.	I-III
EE. Loitering	Idle presence in an area without authorization.	I-II
FF. Off campus misconduct that endangers the health and safety of students or staff within the school or adversely affects the educational process.	Examples of such misconduct include, but are not limited to: 1. Cyberbullying. 2. Threatening or harassing students or school personnel over the phone. 3. Using message boards, cell phones, or other electronic transmissions to convey threats, derogatory comments or post pornographic pictures of students or school personnel.	I-III
GG. Physical Attack on Staff, Students/Others	Assault, or aggressive physical action, directed at students, staff, or others, including a situation where a staff member is intervening in a fight or other disruptive activity.	II-III
HH. Possession of Disruptive Items	Unauthorized possession of a music player, laser pointer, squirt gun, water balloon, or any other disruptive item.	I-III
II. Possession of Portable Electronic Communication Devices	Unauthorized possession of cellular phone.	I-II
JJ. Possession or use of	Unauthorized use or unauthorized possession of a	I- II

Skate boards, Roller blades, All Terrain Vehicles or Scooters	skateboard, scooter, all-terrain vehicles or roller blades on school property.	
KK. Retaliation	As defined in Article II above.	II-III
LL. Sexting	As defined in Article II above.	I- III
MM. Sexual Harassment	Unwanted and inappropriate verbal, written, or physical conduct of a sexual nature directed toward another person.	I -III
NN. Tardiness	Lateness to school or class.	I-II
OO. Theft	Taking or obtaining property of another without permission of the owner or attempting to sell stolen property.	II-III
PP. Threat to Staff, Student or Other Person	Expression, conveyed by word or action, of intent to abuse, intimidate, coerce, or injure a staff member, student, or other person.	I -III
QQ. Tobacco Violation	Possession or use of any Tobacco Products; This prohibition extends to having such items on school property, at a school function, on a school bus or in a school vehicle.	I -II
RR. Trespassing	Unauthorized presence on school property, including while on suspension.	I-II
SS. Truancy	Unlawful absence without parental knowledge and/or permission.	I- II
TT. Unacceptable Language	Using vulgar or abusive language, cursing, or swearing.	I -II
UU. Violent Conduct	Examples of violent conduct include, but are not limited to: 1. Committing an act of violence (such as hitting, kicking, punching, scratching, and pushing) upon a teacher, administrator or other school employee or attempting to do so. 2. Committing an act of violence (such as hitting, kicking, punching, scratching, and pushing) upon another student or any other person lawfully on school property or attempting to do so. 3. Displaying what appears to be a weapon. 4. Threatening to use any weapon. 5. 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. 6. Intentionally damaging or destroying school district property.	II-III
VV. Weapon Possession	Possession of a Weapon.	II- III
WW. Unauthorized use of a motor vehicle or motorized mode of transportation	A student shall not operate a motor vehicle or a motorized mode of transportation during normal school hours without administrative authorization and parent/guardian consent.	I-III

## **Consequences of Student Misbehavior**

### **Minimum Suspensions for Certain Misconduct**

#### **1. Possession of A Firearm**

A student who possesses a firearm on District property or at a District event shall be suspended out-of-school for a minimum of 12 months, provided that the Superintendent may modify this period of suspension on a case-by-case basis.

An object is considered a “firearm” for purposes of this section of the Code of Conduct if it will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. The term “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that “destructive device” shall not mean any device not designed or redesigned for use as a weapon.

The superintendent shall refer a pupil who has been determined to have possessed a firearm on District property or at a District event as follows:

- ☐ If the pupil is under 16 years of age, to a presentment agency for a juvenile delinquency proceeding, except a pupil 14 or 15 years of age who qualifies for juvenile offender status in accordance with the Family Court Act, Article 3.
- ☐ If the pupil is 16 years of age or older, or 14 or 15 years of age who qualifies for juvenile offender status, to the appropriate law enforcement agency.

#### **2. Violent Students**

For purposes of the Code of Conduct, a student is considered a violent student if he or she:

- ☐ commits an act of violence upon a teacher, administrator or other school employee;
- ☐ commits, while on District property, an act of violence upon another student or any other person lawfully upon said property;
- ☐ possesses, and displays while on District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- ☐ threatens, while on District property, to use any instrument that appears able to cause physical injury or death;
- ☐ knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
- ☐ knowingly and intentionally damages or destroys school district property.

Teachers shall immediately report and refer a violent pupil to the building principal or superintendent.

## **IX. Procedures**

#### ☐ **Communications with Home**

Parents and persons in parental relation shall be kept informed of all attendance and behavior issues. Copies of disciplinary referrals shall be provided to the parent or person in parental relation.

#### ☐ **Responses to Instances of Inappropriate Conduct**

Pupil service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the code of conduct to the building principal. Parents are invited to advise the building principal of concerns the parents may have regarding their children pertaining to the code.

Any weapon, alcohol, tobacco, illegal substance, unauthorized medication, inappropriate written material or images, any property in a student's possession that is being used in a manner disruptive to the school environment, or that creates a safety hazard, or other unauthorized property shall be confiscated and held in a secure location. The student's parent or person in parental relation shall be notified.

The Board of Education authorizes administrators to undertake searches of students and their possessions (e.g. pocket contents, book bags, handbags, etc.) when there is reasonable individualized suspicion that a student has violated or is violating the law, District policy or regulation or school rules. The District also retains the authority to examine the contents of all school property, such as student lockers, staff work areas, and both physical and digital files.

#### **□ Removal From the Classroom By A Teacher**

Teachers are authorized by the Education Law and this Policy to remove a student from the teacher's classroom if the student is substantially disruptive of the educational process, or if the student substantially interferes with the teacher's authority over the classroom

A disruptive pupil may be removed from a teacher's classroom by the teacher for no more than two (2) days of instruction for each incident of substantial disruption of the educational process or substantial interference with a teacher's authority.

Behaviors which do not rise to the level defined as disruptive shall be subject to traditional 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 administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; (3) sending a student to a guidance counselor or other District staff member for counseling; or (4) assignment to time out. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

If the pupil's behavior does not present a continuing danger or an ongoing threat of disruption to the academic process, the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present his/her version of the events. If the pupil's behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately dismiss the pupil from the classroom; and explain the basis of the removal and allow the student to present his/her version of the events within twenty-four (24) hours of the removal.

A teacher initiating removal of a student from the classroom pursuant to the provisions of this Code of Conduct shall inform the building principal of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal. This referral will include a written educational plan for the duration of the removal period.

Within 24 hours of the removal, the building principal or his/her designee (another administrator) must inform the parent of the reasons for the removal from class. On request, the student/parent must be given an opportunity to discuss reasons with building principal or his/her designee. The teacher shall be involved in the conference, unless the building principal decides based upon extenuating circumstances, that it is not beneficial to have the teacher involved in such conference.

If the student denies the charges, the student/parent must be given explanation of basis for removal and an opportunity to represent his/her version. This must take place within 48 hours of the removal.

The building principal or his/her designee must decide, by the close of business on the day following the parent's opportunity to be heard, whether the discipline will be set aside. The principal or his/her designee may only set aside discipline if:

- a. The charges against the student are not supported by substantial evidence,
- b. The student's removal is in violation of law, or
- c. The conduct warrants an out-of-school suspension and a suspension will be imposed.

The District shall provide continued educational programming to students who are removed from class by a teacher. Such programming shall include placement in an alternative educational program appropriate to individual student needs.

#### ☐ **Suspension From School**

Teachers may recommend to the building principal that a student be suspended out of school. A recommendation shall be accompanied by a written disciplinary referral describing the conduct warranting suspension. The principal shall confer with the superintendent.

1. **Short Term Suspension:** Where a suspension out of school for a period of five (5) days or less is deemed appropriate:
  - a. The building principal must immediately notify the student verbally. If the student denies the misconduct, the building principal must provide an explanation of the basis for the proposed suspension.
  - b. Written notification by the principal or designee shall be sent to the student's parents 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 by the building principal if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the building principal.
  - c. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.
  - d. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the building principal may establish.
  - e. 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.
  - f. After the conference, the building principal shall confer with the superintendent and then shall promptly advise the parents in writing of his or her decision. The notice 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.
  - g. The superintendent shall issue a written decision regarding the appeal within ten 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 ten 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 State Commissioner of Education within thirty days of

the decision.

2. **Long Term Suspension:** When a suspension out of school for more than five (5) days is considered appropriate:
  - a. The superintendent shall give reasonable notice to the student and the student's parents of their right to a fair hearing.
  - b. 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.
  - c. The superintendent may serve as hearing officer, or may, at his or her discretion, designate a hearing officer to conduct the hearing.
  - d. 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 or reject all or any part thereof.
  - e. An appeal of the decision of the superintendent may be made to the Board. All appeals to the Board must be in writing and submitted to the clerk within ten (10) 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 within thirty (30) days of the decision.

## **X. Age Appropriate Restatement of Policy**

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

## **XI. Collaboration With Community Resources and Law Enforcement**

**A. Counseling** The Counseling Office shall handle all referrals of students to counseling.

**B. Human Services Agencies and Person In Need of Supervision (PINS) Petitions**

When there is evidence of educational neglect, the building principal, in consultation with the superintendent, shall determine whether a report to the appropriate agency is warranted. When there is evidence of child abuse, neglect, or maltreatment, all mandated reporters shall follow the procedures established by law and District policy.

When a student is frequently absent from or tardy without valid excuse; is habitually disobedient, ungovernable, or non-compliant with this Code of Conduct ; or is in possession of marijuana in violation of the penal law; then the building principal, in consultation with the superintendent, shall initiate the pre-PINS diversion process with the appropriate county lead agency.

If the District is notified by the responsible county lead agency that no further diversion services are warranted, the building Principal, in consultation with the Superintendent, shall determine whether to initiate a PINS petition in Family Court.

**C. Law Enforcement Agencies and Juvenile Delinquency Complaints**

Whether a particular act in violation of this Code is reported to a law enforcement agency shall be determined by the building principal, in consultation with the superintendent.

The following acts shall be reported to an appropriate law enforcement agency, unless the building principal documents a reason satisfactory to the superintendent for not doing so: possession of a weapon, possession of any controlled substance (including marijuana), physical assault, and theft or destruction of property having an apparent value over \$100. Other acts may be reported to a law enforcement agency when the building principal, in consultation with the superintendent, determines it is appropriate.

When an act is reported to a law enforcement agency as a possible crime, it remains the responsibility of the building administrator to collect the information necessary to make a determination as to the appropriateness of disciplinary consequences under this Code of Conduct.

In general, the person against whom the criminal act was directed should be identified as the complainant where the district attorney decides to initiate a juvenile delinquency petition. The District, or a District employee in their official capacity, may only be identified as the complainant when the superintendent determines that it is appropriate to proceed in that manner.

**XII. Restorative Responses to Violations of Code of Conduct**

Students who violate this Code of Conduct may also be subject to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- a. peer support groups; corrective instruction or other relevant learning or service experience;
- b. supportive intervention;
- c. behavioral assessment or evaluation;
- d. behavioral management plans, with benchmarks that are closely monitored; and/or
- e. student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b. adoption of research-based prevention programs;
- c. modification of schedules;
- d. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations; and/or
- j. peer support groups.

**XIII. 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.

## **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 enjoy 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.

### ☐ **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 students’ 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 or 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:

- ☐ The Board, the superintendent of schools or a building 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 days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- ☐ 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 subject to suspension for the same behavior.
- ☐ 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.
- ☐ 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.

- ☐ “Weapon” refers to no person shall have in his/her possession upon school premises any rifle, shotgun, pistol, razor blade, spray, revolver, other firearm, knives, dangerous chemicals, explosives, or any object which is not necessary for school activities and which could be considered a weapon. A weapon includes any instrument capable of firing a projectile, the frame or receiver of any such weapon, firearm, muffler or silencer, any explosive device, or any other instrument or device capable of inflicting bodily harm.
- ☐ “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.
- ☐ “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. 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.

#### Change of Placement Rule

A disciplinary change in placement means a suspension or removal from a student’s current education placement 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.
- ☐ 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.

### **3. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

A. The District’s Committee on Special Education shall:

1. 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 day sin 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.

2. 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.

B. The parents 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 their 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.

1. The superintendent, building 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.
2. 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 of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if 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 shall remain in the educational placement determined by the district, which can include suspension.

C. 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.

- D. The parents 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 of non-disabled students under the Education Law.
- E. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- F. 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.
- G. During any 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.

#### **4. Expedited Due Process Hearings**

- A. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - 1. 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 student's behavior was not a manifestation of a 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.
- B. 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.

## **5. Referral to law enforcement and judicial authorities**

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

- A. 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.
- B. 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.

## **6. Conduct by School Employees; Corporal Punishment & Emergency Interventions**

**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.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her principal/supervisor. The principal/supervisor shall, within the same school day, make a report to the superintendent describing in detail the circumstances and the nature of the action taken.

The superintendent shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Richfield Springs Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

## **7. Emergency Interventions**

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

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

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

- a. Name and date of birth of student;
- b. Setting and location of the incident;
- c. Name of staff or other persons involved;

- d. Description of the incident and emergency intervention used, including duration;
- e. A statement as to whether the student has a current behavioral intervention plan; and
- f. Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

#### **C. Acceptable Attire**

Appropriate professional attire is expected to be worn by all staff members. Clothing shall be neat and clean, and be in compliance with this Code of Conduct. Staff dress standards set an example for students. Clothing that is not appropriate for students is not appropriate for staff. Conversely, clothing styles that are tolerated when worn by students may not be appropriate for staff.

#### **D. Communication with Parents, Students, Other School Employees, Administrators or other Persons on School Property**

Acceptable: Appropriate, professional communication is expected from all staff.

Unacceptable: Employees of the district shall refrain from the use of profane, lewd, vulgar or abusive language or words which may incident or offend another person.

### **XVI. Student Searches and Interrogations**

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

In addition, the Board authorizes the superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized school official may conduct a search of 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 legitimate reason for the very limited search.

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

#### **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 do not have 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 informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

## **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 a student (particularly minors), the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

## **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 (and possible accompanying law enforcement personnel) who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

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

## **Visitors to the 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 building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the building reception window/office upon arrival. 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 window/office before leaving the building.
3. Visitors attending after school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized personnel will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **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 or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, overly revealing, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school environment.
5. Threaten intimidate, harass or discriminate against any school staff member or other person(s) on the basis of a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression), or other legally protected status.
6. Enter any portion of the school premises, playing field (home or away) or other related school location without authorization, or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

**B. Consequences**

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 and/or arrest.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to

warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they have.

### **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of 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 his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **In-Service Educational Programs**

The Board will provide in-service education programs for all District staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code: (1) School-oriented programs developed at the district and building level; (2) Superintendent's workshop days; and (3) faculty meetings.

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

1. Providing copies of an age-appropriate version of the summary of the code to all students, written in plain language, to ensure that students understand the standards of respect and appropriate behavior that the school community expects from them. This shall take place at a general assembly held at the beginning of each school year and on an on-going basis at registration for those students who enter the district after the beginning year meeting.
2. Making copies of the code available to all parents, students and community members throughout the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.

6. Making copies of the code available for review by students, parents and other community members.
7. Posting the code of conduct on the District's web site.

This Code shall be reviewed by the Board of Education on an annual basis and shall be amended when appropriate. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before making any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. Amendments to the Code will be filed with the Commissioner of Education no later than thirty days after adoption.

### **Prohibition of Retaliation**

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Relatedly, neither the District, nor an employee or student thereof shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.