

# **Baldwinsville Central School District**



## **CODE OF CONDUCT**

**Adopted by the Board of Education  
pursuant to  
Project SAVE and §100.2(l) of the  
Regulations of the Commissioner of Education**

**Revised  
Effective July 1, 2024<sup>2</sup>**

# BALDWINSVILLE CENTRAL SCHOOL DISTRICT

## CODE OF CONDUCT

~~2021-2022~~ 2022-2023

### 1. Purpose and Scope

The Board of Education of the Baldwinsville Central School District has adopted this Code of Conduct pursuant to Project SAVE and §100.2(l) of the Regulations of the Commissioner of Education. The purpose of this Code is to define the Board's expectations for conduct on District property and at District functions and to specify the range of penalties for unacceptable conduct.

Unless otherwise indicated, this Code applies to conduct committed by students, employees, parents and other visitors on District property, at District functions, or that otherwise adversely affects the District's educational program. In general, the rules established in this Code shall apply to all facets of school life, without distinction between the library, the study hall, the cafeteria, the hallways, bathrooms, the bus, or the classroom.

### 2. Philosophy

This Code is based upon the following philosophy with respect to discipline and the maintenance of public order in the school environment.

1. The Learning Environment. There is a direct connection between behavior in the schools and student learning. All members of the school community must develop and exercise self-control, self-discipline, and responsibility for their own actions in order to create an educational environment that allows teachers to teach and encourages students to learn.

2. Learning Appropriate Behaviors. Discipline is a learned process, and an important element of each student's education is learning appropriate behavior and the consequences of inappropriate behavior. All members of the school community must accept responsibility for their own behavior, and the consequences of their misbehavior.

3. Conduct of all Members of the School Community. In order to provide a safe and orderly environment for the delivery of quality educational services to the District's students, it is essential that all members of the school community behave in a manner that is consistent with accepted principles of civility, citizenship, tolerance, personal responsibility, respect for others, courtesy, honesty and integrity.

4. The Goal of Rehabilitation. A primary objective of disciplinary action is rehabilitation of the student and all disciplinary action shall be in the best interest of the student and the welfare of others. Each infraction of this Code should be dealt with on an individual basis, and the discipline should be commensurate with the act committed, the available relevant information, and the provisions of this Code.

5. The Goal of Self-Discipline. The best discipline is self-imposed. Student responsibility for self-discipline begins with the parents in the home, and must continue as a cooperative effort of classroom teachers, other District employees, the community and parents. District personnel are

expected to use disciplinary action only when necessary, and to place emphasis on the student's ability to grow in self-discipline whenever disciplinary action is required.

6. The Necessity for Clear Rules of Conduct. In the District's schools, as in the community at large, there must be a clear statement of the rules for proper conduct and the consequences for misconduct to guide students through constructive growth and into mature adulthood. Parents/**guardians**, District employees and others responsible for the welfare and education of our students must cooperate to enforce these rules of conduct.

### 3. Student Rights and Responsibilities

#### A. Rights

A right is a privilege to which one is justly entitled. Every student has the following rights:

1. Equal Educational Opportunity. The District will provide all students with an equal opportunity to acquire an education without interference from other students until age twenty-one, or until graduation if that occurs prior to age twenty-one.

2. Learning Environment. All students have the right to a safe and orderly classroom environment that will provide the opportunity for optimum learning.

3. Privacy. All students have the right to privacy, and shall be free from unreasonable search and seizure on District property and at District functions. However, since desks and lockers are District property, the District has the right to search desks and lockers at any time. Moreover, a student will be deemed to have consented to the search of his or her motor vehicle as a condition of the privilege of parking said vehicle on District property.

4. Student Records. Students, parents, and legal guardians have the right to have access to official student school records as provided by law. District personnel will work with parents/**guardians** to determine an appropriate time and method for the presentation of this material.

5. Expression. Students are entitled to express their opinions verbally or symbolically at appropriate times and in an appropriate, respectful manner. This right does not entitle students to spread misinformation, slander others, display inappropriate material or otherwise infringe on the rights of others.

6. Due Process. When faced with possible discipline, students have the right to the procedural due process set forth in this Code.

7. No bullying, discrimination or harassment. Students shall be free from bullying, discrimination and harassment on school property or school functions including but not limited to the educational program, activities, or admission policies of their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

8. The Right to Resolve Grievances. Students have the right to air grievance problems and concerns through legitimate channels provided by the school and District.

## B. Responsibilities

A responsibility is an obligation one has in order to retain the privileges associated with a right to certain freedoms. As representatives of the District, students who participate in school-sponsored activities outside of the school day remain subject to the expectations outlined by the Code of Conduct, the Code of Conduct for Student Athletes, and relevant supplemental contracts and criteria. Students are accountable for their own behavior on District property and at District functions, and are expected and encouraged to meet the following responsibilities:

1. Take Advantage of the Opportunity to Study and Learn. Students should take advantage of the academic opportunities offered at school, and support and participate in school activities. Students should also cooperate with school personnel at all times.

2. Acknowledge the Rights of Others to Study and Learn. Parents/ ~~and~~ guardians send their children to school to obtain an education. An individual student may decide not to take advantage of the opportunity. However, no student has the right to interfere with the education of others. Students have the responsibility to respect the rights of others to study and to work and to conduct themselves with respect toward self, fellow students, staff, and administration.

3. Attend School Daily Unless Ill or Excused. Schools cannot educate students who do not attend class. Students will attend school regularly and punctually. Students who enter a classroom after a lesson has begun are interfering with the rights of others to learn and study. Only excused absences will be allowed.

4. Obey All School Rules. Rules are created to provide the process for a school to educate students. Schools cannot achieve this goal if they are required to expend valuable instructional time maintaining order. Students must obey the rules established by this Code.

5. Volunteer Information and Cooperate with the School Staff in Disciplinary Cases. Every community depends upon the willingness of citizens to play a part in upholding the rules by which everyone has agreed to live.

6. Come to School with the Necessary Books and Materials. A teacher should not have to delay starting class because a student has come unprepared to work. This interferes with the rights of others to learn and study. Getting an education requires more than being in class, just as keeping a job requires more than showing up for work. Students are expected to come to **school** with the proper books and materials.

7. Complete In-Class, Homework Assignments and Meet Deadlines In A Timely Manner. Students, parents/**guardians** and teachers share in the responsibility for learning. Everything that must be learned cannot be accomplished during the school day, and, therefore, some homework should be expected each day, depending on the grade level. Strive to work up to your capabilities. Complete homework thoroughly and on a daily basis.

8. Respect Public Property and Carefully Use and Return Materials and Equipment. Schools represent a gift of the community to its young people. It is wrong to abuse that gift. Such abuse forces the community to spend additional money in order to provide the same opportunities for those students who will use the school after you. Students are required to respect public property. Respect private, public, and school property.

9. Ensure That School Correspondence for Parents/**Guardians** Reaches Home. Education requires a partnership between parents/ ~~and~~ guardians, students, and the school. For a

partnership to work, everyone must know what is happening, good and bad. Sometimes students are asked to be the messenger.

10. Remain on School Property During the School Day. A student may leave District property during the school day only if the parents/guardians has requested permission to do so, and the request has been granted by an administrator, nurse, or attendance clerk.

11. Act Appropriately. Be self-controlled, reasonably quiet and non-disruptive in classrooms, hallways, study areas, school buses, on school property, at school activities, and assemblies.

12. Be Respectful of Others. Be reasonable, modest, self-controlled, non-suggestive and considerate in your relationships with other students. Strive for mutually respectful relationships with teachers. Keep your language and gestures respectful and refrain from using vulgar, profane, or obscene or inappropriate language.

## 4. Definitions of Key Words and Phrases

For purposes of this Code, the following words and phrases shall have the meanings set forth below:

**After School Detention.** The requirement to stay after school for a designated period of time.

**Assault.** Engaging in behavior intentionally or recklessly, that causes physical injury to another person with or without a weapon, in violation of the school district code of conduct and falls under one of these categories:

**Physical Injury.** Means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.

**Serious Physical Injury.** Means physical injury which causes substantial risk of death, or which causes death or serious and protracted disfigurement, or protracted impairment of health, or the protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

**Civil Rights.** A right, benefit or protection that is guaranteed to an individual by either the state or federal Constitution or statute.

**Controlled Substance.** A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations that apply to this Code.

**Disability.** (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.

**Disabled Student.** A student who has been classified as having a disability pursuant to the provisions of IDEA and Article 89 of the Education Law, or one who the District is deemed to know has a disability within the meaning of 34 CFR §300.527.

**Discipline.** The term discipline as used herein shall mean action taken by authorized school personnel which has as its objective the training of ~~pupils~~ **students** in order to develop self-control, character, orderly conduct, positive attitudes and self-concept; or corrective treatment; or protecting the safety, morals, health and welfare of other students.

**District Function.** Any school-sponsored or school authorized extra-curricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state.

**District Property.** Any place in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary lines of one of the District's elementary, middle, junior high or high school buildings, or other District owned or controlled property, or in or on a school bus as defined in Vehicle and Traffic Law §142.5, or at a school function.

**Employee.** Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title 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.

**Excused Absences.** An excused absence is one that results from sickness, religious observances, unsafe travel conditions, school-supervised project, quarantine, required court appearance, sickness or death in the family, out-of-school suspensions, educational visitations and similar reasons.

**Explosive Device.** An explosive, including but not limited to a firecracker or other fireworks.

**Gender.** Actual or perceived sex and includes a person's gender identity or expression.

**Illegal Drug.** A controlled substance, except for those legally possessed or used under the supervision of a licensed health-care professional or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State law.

**Illegal Substance.** Alcohol, illegal drugs or inhalants, including, but not limited to, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."

**Interim Alternative Educational Setting.** A temporary educational placement for a disabled student 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, to continue to receive appropriate services and modifications, including those described on the student's current individualized education program ("IEP"), and to meet the goals set out in such IEP, and includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent such behavior from recurring.



***In-School Planning.*** Problems that are not resolved at the classroom level may be referred to the In-School Planning room, where the student will describe the problem in writing, receive guidance and direction, and devise and write a plan of action to correct problem. The parents/**guardians** will be notified in writing, and the student may return to class when the problem is resolved or an appropriate plan is written.

***In-School Suspension.*** The temporary removal of a student from the classroom and the placement of that student in another designated area of the school building where the student will receive substantially equivalent, alternative education. The student will be provided with class work and is expected to complete it to the teacher's satisfaction in a quiet, orderly manner.

***Material incident of Harassment, Bullying and/or Discrimination.*** A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex or any other legally protected status.

***Parent/Guardian.*** The biological, adoptive or foster parent, guardian or person in parental relation to a student.

***Removal.*** As it relates to a disabled student, the removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an interim alternative educational setting, ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others. As it relates to a non-disabled student who is disruptive in class, the removal from the classroom to ensure that the other students continue to learn. A classroom teacher may remove a student from class for up to two days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only. For purposes of this Code, the removal commences on the second consecutive day that a student is asked to leave a teacher's classroom (the first day being considered the discretionary use of a classroom management technique by the teacher).

***Sexual Orientation.*** Actual or perceived heterosexuality, homosexuality or bisexuality.

***Suspension.*** The disciplinary removal of a student from ~~his or her~~ **the individual's** regular educational program and activities in accordance with Education Law §3214.

***Unexcused Absences.*** An unexcused absence is one that is not defined as an excused absence in Section 4, and includes absences based upon personal visitations, needed at home, oversleeping, family vacations, hunting or other sporting activity, and similar reasons.

***Violent or Disruptive Student.*** A student under the age of twenty-one who engages in a violent or disruptive incident as defined herein.

***Visitor.*** Anyone on District property or at a District function who is not a District employee or a student of the school building in which the individual is physically present.

**Weapon.** A firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun; a switchblade knife, pocket knife with a blade of at least 2½ inches, a gravity knife, pilum, ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife; a billy club, black jack, bludgeon, brass knuckles, chukka stick or metal knuckles; a sandbag or sand club; a slingshot or slungshot; a martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck or shirken; an explosive, including but not limited to a firecracker or other fireworks; a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument.

## 5. The Roles of Others in the School Community

### A. Teachers and Other Professional Staff (All Employees)

Among other responsibilities, it is the role and responsibility of the teaching and other professional staff employed by the District to:

1. Be Enthusiastic. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
2. Mentor Students. Guide learning activities so students learn to think and reason through assignments in school as well as homework, and to assume responsibility for their actions and to respect the rights of others.
3. Enforce School Rules Fairly. Participate in the establishment of school rules and regulations regarding student behavior; explain these rules to students, and require compliance with them. Be fair, firm and consistent in enforcing school rules on school buses, the school campus and at all school-sponsored activities in classrooms, hallways and restrooms.
4. Reinforce Good Conduct. Provide positive reinforcement to students for acceptable behavior.
5. Be a Role Model. Demonstrate, by word and personal example, respect for law, order and self-discipline, and comply with the provisions of this Code and with all rules and policies of the District.
6. Make Referrals for Assistance. Refer any student whose behavior requires special attention to a counselor or administrator.
7. Inform Students and Parents/**Guardians**. Keep students informed regarding their achievement and behavior, and establish and maintain contact with parents/**guardians** according to District rules and policies.
8. Refrain from the Use of Corporal Punishment. Employees of the District are expected to use appropriate means to maintain a learning environment that is orderly and conducive to learning. **Employees** They may not resort to corporal punishment, which is unlawful in this state and which is a violation of Board of Education Policy 7350. Members of the staff may use reasonable physical force to protect themselves or others from physical injury, to protect the property of the school or others, and to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, if the student has refused to comply with a request to refrain from further disruptive acts. Whenever a school employee uses physical force



upon a student, the employee shall on the same day make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

9. 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, which will strengthen students' confidence and promote learning.

10. 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.

11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

## **B. The Administrative Staff**

Among other responsibilities, it shall be the role and responsibility of a principal and, where appropriate, other District administrators to:

1. Report Criminal Misconduct. The building principal must immediately notify the Superintendent of those Code violations that constitute a crime and substantially affect the order or security of a school.

2. Maintain an Environment that is Conducive to Good Learning. Strive to create the best teaching-learning situation possible, exercising all authority assigned by the Superintendent and the Board.

3. Effectively Use Resources. Organize school schedules and teaching assignments and require effective classroom management and instruction.

4. Exercise Assigned Authority. Take leadership in establishing reasonable rules and regulations for the well-ordered operation of the school.

5. Publish the Rules. Make certain that disciplinary rules, regulations and penalties for violations are known to and understood by students, parents/**guardians**, and school staff.

6. Assist with Discipline Matters. Receive teacher or counselor referrals of students with behavior problems; confer with such students; communicate with their parents/**guardians**; set up cooperative procedures for modifying inappropriate student behavior; and maintain written documentation of all violations of this Code.

7. Display Fairness in Discipline Matters. Be fair, firm and consistent in all decisions affecting students, parents/**guardians** and staff.

8. Be a Role Model. Demonstrate, by word and personal example, respect for law and order, self-discipline and genuine concern for all persons coming under your authority, and comply with all District rules and policies.

9. Know the Students. Become acquainted with your students by visiting classrooms and attending school activities.

10. Work with the Parents/**Guardians**. Take steps to establish and maintain open lines of communication between school and home.

### **C. The Superintendent**

The following are among the responsibilities of the Superintendent of Schools:

1. Inform Law Enforcement. Inform the appropriate local law enforcement agency, as soon as practical, of any Code violations or any other conduct that occurs on District Property or at a District Function, or in travel to and from school that is criminal in nature and substantially affects the moral welfare of a student or the overall safety of the school. The notification may be made by telephone, followed by a letter mailed on the same day. The notification will include the names of any victims and witnesses, a description of anything that has been confiscated and an explanation of the criminal conduct.

2. Inform the Board of Education on Discipline Issues. Inform the Board of Education about developments and trends relating to the discipline of students.

3. In-service of Staff. Provide appropriate in-service education to maintain a well-trained staff at all levels.

4. Support of Staff. Give full support to the staff responsible for enforcing discipline in accordance with District policy and New York State law.

5. Support Program Development. Develop and support programs that provide for students with special needs.

6. Make Fair Decisions. Be fair and consistent in making the final decisions regarding those students whose behavior problems have been appealed from individual schools to the Superintendent.

7. Be Familiar with the School Community. Become acquainted with the schools, staff and students by visiting buildings regularly and by attending school activities.

8. Educate the School Community. Inform the community what is expected of the District's students and what happens if rules are violated.

### **D. Board of Education**

The responsibilities of the Board of Education include:

1. Be Familiar with the Schools. Visit all school buildings, become acquainted with the schools, staff and students, attend District Functions, and become familiar with District operations.

2. Support Program Development. Develop and support programs that provide for the needs of all students. ~~including those with special needs.~~

3. Support Effective Discipline. Enforce student and staff discipline in accordance with District policies and the requirements of New York State law.
4. Staff Training. Provide adequate in-service opportunities for staff at all levels.
5. Support Staff. Give full support to the staff charged with the responsibility for enforcing discipline in accordance with District policy and New York State law.
6. Make Fair Decisions. Be fair and consistent in making the final decisions regarding those students whose behavior problems have been appealed from the Superintendent to the Board, in accordance with District Policy.
7. Provide Community Education. Inform the community what is expected of the District's students and the consequences if the rules are violated.

### **E. Parents/**Guardians**, and Students**

Parental/**Guardian** involvement is essential to student growth and development. Ideally, the responsibilities of parents/**guardians** include:

1. Regular Attendance. Send their child to school as required by New York State Law. Make certain that their child's attendance at school is regular and punctual and that all absences are properly excused.
2. Grooming and Dress. Insist that their child is clean, dressed in compliance with reasonable directives of school personnel and in a fashion that will not disrupt classroom procedures, and is appropriate for the weather.
3. Good Health Habits. Be sure their child is free of communicable disease, and is in as good health as possible.
4. Acceptable Behaviors. Guide their child from the earliest years to develop socially acceptable standards of behavior, to exercise self-control and to be accountable for ~~his or her~~ **their** actions.
5. Respect for Authority. Teach their child, by word and example, respect for law, for the authority of the school and for the rights and property of others.
6. Know the Rules. Know and understand the rules their child is expected to observe at school; be aware of the consequences for any violations of these rules; and accept legal responsibility for their child's actions.
7. Desire to Learn. Instill in their child a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge.
8. Be Knowledgeable about School. Become acquainted with their child's school, its staff, curriculum and activities. Attend parent-teacher conferences and school functions.

## 6. Dignity for All Students Act

Prevention is the cornerstone of the district's effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the principal 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 or 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
- Management of the Dignity Act's civility curriculum components.

The district's designated Dignity Act Coordinators are:

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Kristen Denton	Baker High School	29 East Oneida Street Baldwinsville, NY 13027 (P) 638-6008 (F) 635-4575
Thomas Fraher	Durgee Jr. High School	29 East Oneida Street Baldwinsville, NY 13027 (P) 638-6086 (F) 638-6168
Christina Louis	Ray Middle School	7650 Van Buren Road Baldwinsville, NY 13027 (P) 638-6106 (F) 638-6157
Thomas Coughlin	Elden Elementary School	29 East Oneida Street Baldwinsville, NY 13027 (P) 638-6118 (F) 638-6171
Jennifer Homeyer	McNamara Elementary School	7344 O'Brien Road Baldwinsville, NY 13027 (P) 638-6130 (F) 638-5049
Alexander Ewing	Palmer Elementary School	7864 Hicks Road Baldwinsville, NY 13027 (P) 638-6127 (F) 638-6275

Melissa Chiodo

Reynolds Elementary School

222 Deerwood Drive  
Baldwinsville, NY 13027  
(P) 638-6124  
(F) 638-6169

Cynthia Cronin

Van Buren Elementary School

20 Ford Street  
Baldwinsville, NY 13027  
(P) 638-6121  
(F) 638-6170

## 7. Acts of Misconduct Defined

Members of the school community are required to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of others, including students, employees and other members of the school community. The commission of any of the following acts on school district property or at school district functions is prohibited.

### A. Infractions that are Reportable as “Violent and Disruptive Incidents” as defined by the Annual Reporting of Incidents Concerning School Safety and Educational Climate (SSEC)

1. **Homicide:** Any intentional violent conduct that results in the death of another person.
2. **Sexual Offenses:** Any act committed felony under by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

~~2a. Forcible Sexual Offenses: Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.~~

~~2b. Other Sex Offenses: Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to: touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student’s clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not be limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under unless at least one of the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.~~

3. **Assault:** Engaging in behavior intentionally or recklessly that causes physical injury to another person, with or without a weapon, in violation of school district code of conduct and falls under one of these categories: Any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into

consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

~~3a. **Physical Injury:** Means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.~~

~~3b. **Serious Physical Injury:** Means physical injury which causes substantial risk of death, or which causes death or serious and protracted disfigurement, or protracted impairment of health, or the protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.~~

4. **Weapons Possession:** Possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories: **Shall mean possession of any weapon defined in Article 265.00 of the Penal Law and other such dangerous instruments to include the following:**

~~4a. **Routine Security Checks:** Possession of one or more weapons (see list below) secured through routine security checks.~~

**Weapons:** means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, **a revolver**, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles, **plastic knuckles**;
- iv. a sandbag or sandclub;
- v. a sling shot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuk, or shirken;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition; or
- xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

~~4b. **Weapons Possessed Under Other Circumstances:** Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.~~



## 5. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying):

5a. All Excluding Cyberbullying: A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(vii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner's regulation 100.2(KK)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) 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. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

- **Bullying** is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.

Please note the following "elements of bullying" do not solely determine whether an incident is material.

- **Imbalance of power**: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- **Repetition**: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- **Intent to Harm**: The person bullying has the goal to cause harm. Bullying is not accidental.
- **Discrimination** not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person's actual or perceived race, color weight, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

5b. Cyberbullying: Is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.

6. **Bomb Threat:** A telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.
7. **False alarm:** Causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.
8. **Threat of School Violence (Other than Bomb Threat or False Alarm):** A verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.
9. **Use, Possession Sale or Distribution of Drugs:** Illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.
10. **9. Use, Possession, Sale or Distribution of Alcohol:** Illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

## **B. Infractions that Are Not Reportable as Violent and Disruptive Incidents**

1. **Arson.** Deliberately starting a fire with intent to damage or destroy property.
2. **Attendance violations.** Failing to follow attendance procedures; not reporting to designated areas at designated times; tardiness to school, class or homeroom; leaving class, assigned area, or school grounds, or final exam without permission; truancy; cutting class.
3. **Burglary.** Entering or remaining unlawfully on school property with intent to commit a crime.
4. **Cheating, plagiarism, misrepresentation.** Cheating is to act dishonestly by claiming the work of someone else as your own, or by enabling or permitting another student to claim your work as their own. Cheating occurs when you purposely and knowingly commit one of these acts: You allowed someone to copy your work. You claimed someone else's work as your own. You had knowledge of questions or answers prior to the test or quiz. You gave or received assistance during test or quiz.

Plagiarism is the unauthorized use of another's material that is represented as one's own work. Plagiarism is a piece of writing that has been copied from someone else and is presented as being your own work, *i.e.*, taking someone's words or ideas as if they were your own. Plagiarism occurs when you purposely and knowingly commit one of these acts: You turned in another student's paper as your own. You copied portions of another student's paper into your own. You copied reference material into your paper without quotation marks and without citing author and page. You paraphrased material into your paper without an in-text citation to author and page. You summarized referenced material without citing original source.

The prohibition against cheating applies to, but is not limited to, term papers, class projects, and homework assignments.

5. **Computer Abuse.** Violation of the acceptable use policy of District computers includes, but is not limited to, the following: misuse of user name and password; playing unauthorized games; using the District network for non-school related commercial or private purposes; use of instant messenger, chat or any other unfiltered or non-traceable form of software, including any peer-to-peer sharing software; use of programs to hack or steal passwords; installation of software on computers; damaging computers, systems, or networks; and altering the physical make-up of computer (desktop, operating system, BIOS).
  - a. All student users of the School District system are specifically prohibited from engaging in the following activities on district owned resources:
    - Sending or displaying offensive messages or pictures, pornography, etc.
    - Using obscene language.
    - Harassing, insulting or attacking others.
    - Damaging computers, systems or networks.
    - Downloading or installing unapproved software or hardware.
    - Violating copyright laws and the valid licensed rights of others.
    - Using another user's password.
    - Encrypting or password protecting material stored on the system.
    - Possessing programs used for hacking or stealing passwords.
    - Trespassing in another user's folders, work or files.
    - Intentionally wasting limited resources.
    - Employing the network for non-school related, commercial or other private purposes.
    - Use of an account by anyone other than the account holder.
    - Requesting unnecessary and lengthy material that ties up the system resources.
    - Use of software to obscure internet or system activities; such as, VPN or Proxy sites.
6. **Criminal mischief.** Intentional or reckless damaging of property, including vandalism and the defacement of property with graffiti.
7. **Disorderly conduct.** Conduct that (a) obstructs or disrupts a teaching, research, administrative or disciplinary procedure or other District activity, or of any authorized District activity; or (b) is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. Disorderly conduct includes, but is not limited to, running in hallways; making unreasonable noise; using language or gestures that are profane, lewd, vulgar or abusive; the willful interference with the free flow of vehicular or pedestrian traffic; failing to comply with the lawful directions of teachers, school administrators or other District employees; speech or gesture which, by virtue of its content and/or circumstances, is likely to disrupt the conduct or classes or other District activities or to undermine the maintenance of discipline within the school setting; being late for school or class; being unprepared for class; and committing other conduct that detracts from the delivery of the District's educational program, or disrupts the normal operation of the school community.

8. **Dress Code:** Defined in Section 8, A.
9. **Drugs & Drug Paraphernalia.**
  - a. **Drugs.** The use, possession, sale or distribution of drugs which includes, but is not limited to, prescription drugs, over-the-counter drugs, drug look-alikes, herbal supplements, vitamins, and other alternative medicines is prohibited. This prohibition extends to having such items on one's person or in one's locker or vehicle or other personal space.
  - b. **Drug Paraphernalia.** The use, possession, sale or distribution of drug paraphernalia, paraphernalia look alike, including, but not limited to matches and lighters, is prohibited. This prohibition extends to having such items on one's person or in one's locker or vehicle or other personal space.
10. **Electronic Devices.** Refer to Section 8, K.
11. **Gambling.** The risking of something of value upon the outcome of a contest of chance or a future contingent event upon an agreement of understanding that one will receive something of value in the event of a certain outcome.
12. **Harassment and Bullying.** Harassment may take the form of comments, name-calling, jokes, stalking, perpetuating rumors or gossip, offensive gestures, offensive remarks, physical abuse, or any other behavior that is designed to annoy, intimidate, or cause fear. Harassment may include:
  - a. Criminal Harassment/Menacing: Intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person; where such behavior, under this Code of Conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime. Actions which intentionally place or attempt to place another person in fear of imminent physical injury.
  - b. Extortion: Any intentional action which reasonably instills fear in another individual that the actor or another person will cause injury to the persons or property of that individual or another person for the purpose of obtaining money or property from that individual.
  - c. Hazing: A form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.

c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

d. **Sexual Harassment:** The act of threatening bodily harm or repeatedly tormenting another person based on gender or sexual orientation. Sexual harassment may take the form of comments, jokes, name calling, innuendoes, offensive conversations, perpetuating unwelcome touching of another's clothes, pinching, whistling or other noises, blocking a victim's path, assault, or any other behavior that is intended to or has the reasonable effect of being offensive based on a person's gender or sexual orientation.

e. **Threats:** Communicating credible, focused threats of violence or harm to an individual or group of individuals, directly or indirectly, whether by physical, verbal, written, telephone, electronic actions or other conduct, which cause the other person to believe his or her life, safety, or property is in danger, or which cause a listener to believe that another person's life, safety, or property is in danger. It is not necessary that the threat be communicated to the intended victim directly.

13. **Insubordination.** The refusal or failure to comply with any District rule, regulation or policy (including those relating to attendance), or the failure to comply with a reasonable request from District personnel or representatives authorized to make such a request. Insubordination, as it relates to students, includes, but is not limited to, the failure to comply with the lawful directives of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect toward such individual; lateness for school or class; missing or leaving school without permission; and skipping detention. Insubordination, as it relates to non-students, includes, but is not limited to, the violation of regulations governing the use of District Property, and the failure to comply with the lawful directions of District employees or law enforcement officers acting in performance of their duties.

Insubordination includes: disrespectful behavior to staff, use of obscene or vulgar language to staff, verbal disrespect to staff and refusal to abide by rules and procedures of the in-school planning room and the in-school suspension room.

14. **Kidnapping.** To abduct a person so as to restrain the person with intent to prevent his or her **the individual's** liberation, either by (a) secreting or holding ~~him or her~~ **the individual** in a place where ~~he or she is~~ **the individual is** not likely to be found; or (b) using or threatening to use deadly physical force with or without a weapon.

15. **Larceny or other theft offenses.** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property; permanently or unlawfully withholding property from another.

16. **Minor altercations.** Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass alarm or seriously annoy another person, without causing physical injury. Fights that do not result in serious physical injury are considered minor altercations.

17. **Inappropriate Physical Contact.** Includes, but not limited to, pushing, striking, shoving, kicking, or any other physical contact that was not intended to inflict harm, but could lead to harm.

18. **Parking and Driving.** Parking a student-operated vehicle on District property without a parking permit, parking in unauthorized areas (e.g., in a fire lane, on the quad, on grass or in the faculty area), recklessly operating a vehicle on school property; failure to adhere to all state and local laws pertaining to traffic and to the operation of motor vehicles, and failure to follow the directives of faculty supervisors in the parking and driving areas of the campus, constitute violations of this Code.

The District assumes no liability for vandalism/theft of the vehicle while on school property. In addition, student vehicles are subject to search with reasonable suspicion. Driving regulations as determined by New York State Motor Vehicle and Traffic law shall apply to all drivers on District Property. Students who attend BOCES during the school day are not allowed to drive their vehicles or ride with any other student to BOCES without permission.

19. **Physical Threat to the School Community.** Making a threat orally, in writing or any other means, including social media, to the physical safety of the school community; including, but not limited to serious bodily injury, use of a weapon(s) or explosive(s).
20. **Public display of affection.** Students should not be overly demonstrative in their affections and, for everyone's health, safety and well-being, displays of affection are prohibited. Inappropriate body contact and kissing is prohibited in school and all school activities.
21. **Reckless endangerment.** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. Examples include throwing an object at another student that has the potential to cause a grave risk of death or serious physical injury; choking another person; brandishing a weapon on a school bus threatening another person; driving a car erratically and recklessly while other persons are present.
22. **Riot.** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
23. **Robbery.** Forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.
24. **Tobacco/Non-Tobacco and Related Novelty Products.** The use, possession, sale or distribution of tobacco/non-tobacco and related novelty products is prohibited. Tobacco/non-tobacco, related novelty products, and accessories include, but are not limited to cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products (with or without nicotine) that imitate or mimic tobacco products, e-cigarettes, "vapes", cloves, bidis and kreteks Juuls, and dabsticks, as well as matches and lighters. This prohibition extends to having such items on one's person or in one's locker or vehicle or other personal space.
25. **Other unacceptable behavior.** This shall include, but is not limited to, conduct in classrooms and in other areas of the school or grounds, as well as to conduct on school buses and at school-sponsored events. Some examples of unacceptable behavior are: failure to complete homework, being unprepared for class, classroom disruption, misuse of school materials, failure to follow the directions of staff, failure to follow school/class rules/expectations, loitering, littering, senior pranks, inappropriate or vulgar language.



## 8. Other Standards and Expectations

### A. Dress Code

It is the intent of the District that every effort be made to ensure the safety and security of those within the District, as well as, foster an environment that is conducive to teaching and student learning. The dress code has been defined in specific detail. The examples noted below (while not an exhaustive list) are intended to address reasonable standards and expectations in order that potential issues or concerns might be minimized for our students, staff and visitors.

The Board expects that District employees, students, and visitors will be appropriately groomed and dressed while on District property and at District functions. All District employees should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting and provide guidance to prepare students for their role in the work place and society. Principals shall inform students and parents/**guardians** of the student dress code at the beginning of the school year, and of any revisions to the dress code made during the school year. The principal or ~~his/her~~ **principal's** designee will serve as the final authority in determining the appropriateness of dress. The following general rules shall apply:

- a. Staff, Student, and Visitors' articles of clothing must not pose a hazard to health or safety to the wearer or to others. Appropriate footwear shall be worn at all times.
- b. Staff, Students, and Visitors shall dress in a fashion that will not disrupt the classroom/school environment.
- c. Students are encouraged to dress appropriately for weather conditions. Coats, bandanas, hoods, any other headgear, and any other outside garments are not permitted to be worn inside the school during school hours. All outside apparel is to be kept in the student's locker or provided storage upon entering the building; however, exceptions may be made at the discretion of the Building Administrator. **Building Administrators will inform staff and students of any exceptions at the beginning of each school year.**

**Any exceptions allowed must not interfere with the education environment/process and must not obscure the eyes, face, and hearing ability of students or possesses a safety hazard. Building Administration or the Superintendent or designee, is authorized to revoke allowed exceptions should the stated requirements not be met and safety and security for students and staff be at risk. In this case, the expectation for the affected school building will revert back to those set forth in Section 8, A, c.**

- d. Religious and/or medical attire is exempt.
- e. Clothing and apparel that is appropriate for school MUST:
  - Cover students from mid-thigh to the top of shoulders;
  - Be secured over the shoulder and/or include sleeves;
- f. Clothing and apparel **and other accessories** that is appropriate for school will not include the following:
  - ~~metallic chain~~ neck wear or body wear/accessories that could pose harm to others or the wearer;

- clothing, accessories, buttons, badges, or insignia of any type that are vulgar, lewd, obscene, libelous or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation, or disability;
- clothing or symbols that promote and/or endorse the use or consumption of alcohol, drugs, tobacco, and/or encourage other illegal or violent activities; **by virtue of its color, trademark, or other attribute is reasonably perceived or intended to intimidate, threaten, incite violence, or reflect gang affiliation**
- transparent garments;
- exposed underwear;
- clothing displaying inappropriate language or symbols, or words/announcements across the seat of the pants/shorts;
- sunglasses.

## B. Conduct on School Buses

1. In general, school buses are extensions of the classroom, and standards of student conduct similar to those that apply in the classroom shall apply to conduct on school buses. Any misbehavior on the school bus should be reported to the driver immediately. The bus driver is in charge of the bus. Bus drivers are responsible for the safety of all passengers while in transit, and they must be given the attention and respect of all students. Students are to obey, at all times, the instructions of the driver. They should also heed rules printed in the buses.
2. Students, **and parents/guardians** understand that all student transportation is monitored and recorded with both audio and video equipment for the safety of students and staff. **Parents/guardians** and students explicitly agree to such surveillance by registering for District transportation.

## C. Visitors

The Board of Education encourages **parents/guardians** and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. However, since schools are a place of work and learning, certain limits must be set for such visits. For these reasons, the following rules apply to visitors to the schools:

1. The principal has authority over all persons in the building and on school grounds. All visitors to the school must report to the principal's office upon arrival at the school to sign the visitor's register and be issued a visitor's identification badge.
2. The principal may send written notice to any individual who has displayed disruptive and inappropriate conduct informing that person that ~~he or she~~ **prior written consent** must **be requested** ~~and obtain prior written consent~~ before entering the school building from and after the date of such notice. The requirement for prior consent shall continue until rescinded by the building principal.
3. The identification badge must be worn at all times while in the school or on school grounds, and returned to the principal's office before leaving the building. Visitors attending District functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers should not be expected to take class time to discuss individual matters with visitors.
5. Visitors are required to abide by this code of conduct.

#### **D. Misconduct Committed Off District Property**

Students, staff and visitors may be disciplined for misconduct that (1) threatens the health, safety or welfare of a student, teacher or other member of the School district staff, or (2) is likely to interfere with a positive educational environment, or (3) constitutes sexual or another form of harassment that is likely to carry over to the educational environment even though such misconduct is not committed on District property or at a District function.

#### **E. Misconduct Not Specifically Defined**

The definitions of misconduct set forth in Section 6 of this Code are not meant to be all-inclusive. Any conduct not defined in this Code that violates any federal or New York State statute, or any rule, regulation or established practice of the District, shall be punishable by penalty to be imposed at the discretion of the appropriate District personnel.

#### **F. School Rules**

The principal of each school is hereby delegated the authority to establish standards of conduct and rules for local matters, school building activities and the granting or withholding of student privileges. These standards and rules may include procedures for homeroom; student assemblies; emergency drills; study halls; use of the cafeteria; conduct in the building hallways; use of student lockers; student ID's and student passes; school parking privileges; book bags and backpacks in the building; bicycles, skateboards, roller blades and similar means of transportation; the use of electronic devices and laser pointers; card playing; and other local matters related to discipline and order in the building. These rules are subject to the approval of the Superintendent of Schools and the Board of Education.

#### **G. Emergency Drills and Evacuation Procedures**

It is imperative that students follow the instructions of the administration and faculty/staff whenever there is an emergency drill, lock down, lockout, or evacuation. Failure to follow directions will result in a disciplinary consequence. Under no circumstances should a student leave campus or the supervision of a teacher unless instructed by the school administration. The procedures announced by the principal and/or designee during an emergency must be followed completely to ensure the safety of all.

#### **H. Organized Skip Days**

The District does not support or condone organized skip days. Students absent without parent permission will be considered truant and dealt with through the regular disciplinary process.

#### **I. Class Pranks**

Class pranks are never considered a privilege and are strongly discouraged. Students participating in such an activity will be dealt with through the regular disciplinary process and may jeopardize their participation in the graduation ceremony.

## J. School Dances

All dances at Ray Middle School, Durgee Junior High School and Baker High School are for the students of those schools only. Only Baker High School has a guest pass procedure. Exception: Battle of the Bands is open to the public.

## K. Electronic Devices

Personal electronic devices shall include, but not be limited to, cellular phones of all types including those with photographic, videotaping and/or text messaging capabilities, tablets or other tablet devices, Chromebooks, SMART watches, gaming devices including, but not limited to, Xbox, Playstation, Nintendos, cameras, MP3 players, laser pens, iPads, iPods, headphones, and audio/video equipment as well as any other electronic communication device. The use or possession of electronic devices will be permitted within the buildings under the following guidelines:

- a. Electronic devices may not:
  - i. Disrupt the education process in the school district.
  - ii. Endanger the health, safety or welfare of any student or anyone else.
  - iii. Invade on the rights of others.
  - iv. Involve illegal or prohibited conduct of any kind.
- b. Elementary and Ray Middle School students may not use or possess electronic devices during the school (K-7) day. Prior to the start of the school day, students' electronic devices must be turned off and immediately placed in lockers (Grades 6 - 7) and backpacks or other designated areas for personal belongings (elementary schools). The Building Administrator has full discretion over the use of electronic devices in Non-Instructional Settings (defined as any areas that are not considered an Academic setting which includes areas where students are not engaged in academic material, i.e. cafeteria and recess). At NO time is photography, videography, or audio recording acceptable in Non-Instructional settings. The classroom teacher has full discretion over the use of electronic devices within the classroom.
- c. C.W. Baker High School and Durgee Jr. High School, only: students may have the electronic device(s) on their person, but any and all electronic devices must be out of sight and turned off in Academic settings (defined as all areas where teaching, learning, or study should be occurring). At NO time is photography, videography, or audio recording acceptable in Academic settings unless specifically authorized by the Building Administrator or classroom teacher. The Building Administrator and/or classroom teacher has full discretion over the use of electronic devices within the Academic setting.
  - i. Electronic devices should not be visible upon entering Academic settings and should not interfere with students arriving to class on time. Students are responsible for keeping electronic devices turned off and stored out of sight during all Academic settings.
  - ii. Students may not possess electronic devices during the administration of assessments. This will include having electronic device(s) in pockets, backpacks, purses, desk, etc. Electronic devices must be stored in the student's locker or turned over to staff prior to

the assessment beginning. Failure to comply may result in the assessment being invalidated and the student will receive no score. The classroom teacher **has the discretion** ~~may choose to implement or waive~~ this policy. ~~or waive it at his/her discretion.~~ If the policy is implemented for the assessment, it is the classroom teacher's responsibility to clearly notify all students prior to the administration of the assessment.

- d. C.W. Baker High School and Durgee Jr. High School, only: students will be permitted to use electronic devices in Non-Instructional settings (defined as any areas that are not considered an Academic setting which includes areas where students are not engaged in academic material, i.e. cafeterias and transition times). At NO time is photography, videography, or audio recording acceptable in Non-Instructional settings. The Building Administrator and/or classroom teachers/staff has full discretion over the use of electronic devices, including earbuds/headphones within the Non-Instructional setting.
- e. The following also applies to the use of electronic devices:
  - i. Students are responsible for using ~~their~~ electronic devices in a safe and secure manner; ensuring such use does not create a safety hazard for themselves or others.
  - ii. Students will not be provided the ability to charge electronic devices, as electrical cables will create a safety hazard. As such, students should ensure that such devices are charged before bringing them to school.
  - iii. By bringing electronic devices to school, students agree that, while on school property and at school functions, ~~they will~~ access **to** the internet **will only be gained** via the District-provided Wi-Fi that is available. Failure to follow this requirement is a violation of the Code of Conduct and may be subject to disciplinary action.
- f. Use of electronic devices on a District school bus is permitted under the following guidelines;

Electronic devices may not:

- i. Endanger the health, safety or welfare of the staff, students, or anyone else whether on or off the bus.
- ii. Impinge upon the rights of others.
- iii. Involve illegal or prohibited conduct of any kind.

Any misuse of electronic devices while riding on a school bus will be subject to the same consequences as outlined in Appendix A and B of this Code.

***Electronic devices are brought into the school setting at the student's own risk. The school district accepts no responsibility for damage, loss or theft of personal electronic devices on any school property or at any school function.***

## **L. Attendance**

Schools cannot educate students who do not attend class. Students will attend school regularly and punctually. Only excused absences, as defined by this Code, will be allowed. Daily

attendance of any student is the legal responsibility of the parent/~~person in the parental relation~~ guardian. Students who enter a classroom after a lesson has begun are interfering with the rights of others to learn and study.

There is an attendance expectation of a minimum of 85% (153 days) of regular class sessions. Using this guideline, written notification will be initiated following the timeline below or sooner at the discretion of administration:

- 7 absences/tardies in 10 weeks of school
- 14 accumulated absences/tardies in 20 weeks of school
- 20 accumulated absences/tardies in 30 weeks of school

Currently, the following intervention strategies are established to identify the cause(s) of absenteeism or tardiness, to reduce absenteeism or tardiness and to circumvent the need for action in the courts (e.g., PINS petitions): (1) Teachers and other appropriate staff members (e.g., school nurse, social worker, guidance counselor, attendance officer) shall be responsible for preliminary contact with parents/~~and~~ guardians and students to discuss absenteeism/tardiness and devise a plan of improvement. (2) Should #1 not result in attendance/tardiness improvement, the building principal ~~and/or his/her~~ designee, based on referrals of teachers and the established attendance records, shall identify intervention strategies. These interventions may include, but are not limited to communication with parents, ~~and~~ guardians, counseling and other support services, mentoring, progressive disciplinary action, ~~and~~ related community services.

Students who are absent/tardy for any reason have 3-5 days after returning to class to make up that work that was missed. Students who are aware ahead of an absence (such as educational trips, sports, etc.) are expected to make arrangements prior to their departure to obtain appropriate class work.

#### **M. Eligibility for Extracurricular Activities: See Appendix C and D**

## **9. Penalties for Violations of the Code of Conduct**

Students, employees and visitors who violate this Code will be subject to disciplinary action as the facts may warrant, including any of the penalties listed below:

### **A. Disciplinary Response to Student Misconduct**

1. ***Disciplinary Interventions.*** Student misconduct should be handled first by the classroom teacher. When a teacher's efforts to resolve the behavioral problem are unsuccessful, District authorities may use a range of possible interventions in response to the misconduct. In most circumstances, a primary response will be to discuss the student's conduct with the parents/~~and~~ guardians in an attempt to correct such inappropriate behaviors. In addition, the District may attempt any or all of the following corrective actions:
  - Verbal Warning/Reprimand. Either a verbal or written warning or a reprimand may be given to the student in the appropriate case.
  - Change of Seat Assignments. Teachers have the discretion to change student seat assignments any time deemed appropriate.
  - Classroom Time Out. Teachers may remove students from the group for a brief period of time.



- Office Time Out. Problems that are not resolved at the classroom level may be referred to the principal for appropriate action.
  - Public Apology. A student may be given the option of making an apology to class or to any individual (including staff) when mutually agreed upon after a call home.
  - Loss of Privileges. In appropriate cases, a student may lose privileges, e.g., staying in at lunchtime, no free time, pass restriction, hall restriction, electronics restriction.
  - Educational Programs. In appropriate cases, a student may be required to review video or documents providing educational information regarding misconduct or infraction.
  - Conflict Resolution. In cases involving student-to-student conflict, a participating student may be referred to a voluntary conflict resolution procedure in lieu of formal discipline proceedings.
  - Parent/Guardian Conference. The student's parent/ ~~or~~ guardian will be contacted for a conference. The conference will include the student, ~~his or her~~ the student's parent/ ~~or~~ guardian, school personnel and others whose participation is deemed appropriate by the District.
  - In-School Planning. Students who present problems that defy solution at the classroom level may be referred to the In-School Planning room.
  - In-School Suspension. Students may be removed from the classroom setting for a specified period of time, ranging from several hours to several days. The student will be provided with class work and is expected to complete it to the teacher's satisfaction in a quiet, orderly manner.
  - Parent/Guardian Supervision. Parent/guardian may be requested to spend one or more days with the ~~child~~ student in the school setting.
  - Detention. Teachers or principals may direct student to report to detention during lunch period in appropriate cases. Parents/guardians may also consent to detention before or after school in lieu of formal discipline charges.
  - Completion of Behavior Contract. A student may be allowed to complete a contract for future behavior in lieu of discipline proceedings. The student will be bound by the terms of such a contract.
  - Counseling. The student may be counseled about ~~his or her~~ their behavior. The student may also be referred for further appropriate counseling, and a written behavioral referral may be submitted to the principal indicating actions already taken and requesting assistance from administration, guidance, social worker, psychologist, the pupil service team and/or nursing staff.
  - Probation. The student and District authorities may agree that the student will be placed on probation with no other penalty imposed for the misconduct, provided that the student complies with the specific terms of the probation. The probation agreement may further provide that, if the terms of the probation are violated, the student may be disciplined for the original act of misconduct.
  - Court Intervention. Court assistance in the form of a PINS (Person In Need of Supervision) petition.
2. **Academic Sanctions.** In addition to other penalties provided herein, the principal and/or the Superintendent may deny credit for work done and may also deny the right to make-up an assignment or test for cutting class, cheating, leaving a final examination or Regents exam without permission, plagiarism and other misconduct related to academic performance.
3. **Friday Detention Alternative.** In lieu of out-of-school suspension for some infractions, parents/guardians may elect a Friday after school detention session for their ~~child~~ student at Baker High School. Parents/guardians must provide transportation from the school

building. Students will be required to sit quietly, to behave in an appropriate manner, and to read or do other productive school work for the full detention period. Students who fail to attend a scheduled Friday session, or who arrive after the session starts, or who are disruptive during the session will be subject to disciplinary action by the appropriate building principal.

4. **Progressive Discipline.** Depending upon the nature of the violation, it is the Board's desire that discipline of students be progressive (that is, a student's first violation should merit a lighter penalty than subsequent violations). The individual determining the penalty should take into account all other relevant factors in arriving at an appropriate penalty. Depending upon the nature of the violation, the possible penalties listed in Section VIII. A.1. above may be imposed either alone or in combination.
5. **Range of Penalties.** Students who commit any act of misconduct specified in this Code will be subject to appropriate disciplinary action.

The range of penalties that may be imposed for violations of this Code by students include, but is not limited to, the following:

- (a) **Short-term Suspension from School.** The principal may suspend a student from attendance at school for a period not to exceed five school days.
- (b) **Long-term Suspension from School.** When the Superintendent of Schools determines, based on a referral from a principal, that a suspension in excess of five school days may be warranted, the District provides written notice to the student and the student's parent/ or guardian, of the date, time and place of a hearing, and the charges against the student. At such hearings, students may be represented by legal counsel, may question witnesses against them, and may present witnesses, testimony and documentary evidence on their own behalf. The hearings are conducted by a hearing officer designated by the Superintendent of Schools. The hearing officer is authorized to administer oaths, to conduct the hearing, to make findings of fact, and to make recommendations to the Superintendent of Schools regarding disciplinary consequences, if any. An audio recording of the hearing is made for the purpose of ensuring the accuracy of the record of the proceeding. At the conclusion of such hearing, the Superintendent may take whatever action is deemed appropriate, including but not limited to, indefinite suspension from school.

The hearing itself is not a disciplinary consequence, but, rather, a procedural requirement which must be observed before a student can be suspended for more than five days for a disciplinary infraction. Depending on the circumstances of the infraction, and the seriousness of the offense, the hearing may result in a decision by the Superintendent of Schools to impose an additional period of suspension. Students may be suspended for additional days, weeks, or months. In the case of certain weapons-related offenses, state law requires that the Superintendent of Schools impose a suspension from school of at least one-year.

Students suspended from school are prohibited from being on school property without permission, and any suspended student who violates this prohibition may be arrested for trespass.

- (c) ***Involuntary Transfer.*** Students may be involuntarily transferred to an appropriate educational setting in another school in compliance with the provisions of education law §3214(5).
- (d) ***Suspension from Other Activities.*** Students may also be suspended from transportation, athletic participation, social or extracurricular activities or other privileges upon compliance with fundamental due process procedures.
- (e) ***Personal Liability.*** The District may pursue, on behalf of itself or an employee, all available rights and remedies to obtain restitution for stolen or damaged property and to recover from the student and/or parents/guardian of the student for damages to personal property.
- (f) ***Police Notification.*** In cases involving criminal conduct, District authorities may refer the matter to appropriate law enforcement authorities.

## **B. Penalties for Specific Acts of Misconduct**

Upon a finding that a student has committed an infraction specified herein, District authorities are authorized to use the following interventions and to impose the following range of penalties:

In the Elementary Schools - The permissible range of penalties and interventions for violations of this Code committed by elementary students is set forth in Appendix "A."

At Ray Middle School, Durgee Junior High School and Baker High School. The permissible range of penalties and interventions for violations of this Code committed by students attending these schools is set forth in Appendix "B."

## **C. BOCES Students**

Suspensions from BOCES programs are also enforced as suspensions from the District's program and vice versa.

## **D. Minimum Penalties for Students**

1. ***Students who bring a weapon to school.*** The minimum period of suspension from school for any student, other than a student with a disability, found guilty of bringing a weapon onto District property shall be one calendar year.
2. ***Students who commit other violent acts.*** The minimum period of suspension from school for any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto District property, shall be three days.
3. ***Students who are repeatedly disruptive.*** The minimum period of suspension from school for any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by a teacher pursuant to Section 11 of this Code on four or more occasions during a semester shall be three days.

4. **Reports by teachers.** All staff members must immediately report and refer a violent student to the principal or the Superintendent of Schools for a violation of this Code. All recommendations and referrals shall be made in writing, unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member making the referral.
5. **Review by the Superintendent of Schools.** The Superintendent of Schools may reduce the minimum penalties established above on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent will determine whether a shorter period of suspension or other form of discipline may be more effective after considering the following:
  - (a) the student's age,
  - (b) the student's grade in school,
  - (c) the student's prior disciplinary record,
  - (d) input from parents/**guardians**, teachers and others, and
  - (e) other extenuating circumstances.

#### **E. Misconduct at a District Function**

The Superintendent is responsible for enforcing the conduct required by this Code at District functions, and may designate other District employees or agents to take action consistent with this Code.

When an individual is committing prohibited conduct that, in the judgment of the Superintendent or ~~his or her~~ designee, does not pose any immediate threat of injury to persons or property, the individual shall be informed that the conduct is prohibited and asked to stop such conduct. The school official 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 individual shall be immediately removed from District property or the District function. Students, staff and visitors who violate this Code while at a District function shall be subject to immediate ejection from the function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District may initiate disciplinary action against any student or staff member, as appropriate. The District may also pursue civil and/or criminal sanctions against any person violating this Code.

#### **F. Dress Code Violations**

Individuals who violate the provisions of dress code established by this Code of Conduct shall be asked to cover or remove the offending item, or to replace it with an acceptable article of clothing. Any student who refuses to do so shall be subject to discipline, up to and including suspension from school. Employees, who refuse a request by the building principal to cover, remove or replace an offending item shall be subject to discipline in accordance with law. Visitors, who refuse a request by the principal to cover, remove or replace an offending item shall be subject to removal from District property or the District function, as the case may be.

#### **G. Misconduct on School Buses**

If a student acts inappropriately on a bus, the bus driver shall bring such misconduct to the principal's attention. Disciplinary measures for misconduct on school buses will include a principal's conference with the student, and may also include a principal's conference with the

student's parent/guardian. Principals are authorized to take disciplinary action deemed appropriate, up to and including suspension of riding privileges for extended periods of time when the nature of the offense or the recalcitrance of the student warrants such action. Parents/guardians will be informed by the building principal of violations of this Code and of disciplinary actions taken.

#### **H. Misconduct During Summer School**

The Superintendent of Schools, the Board of Education and the summer school principals are responsible for enforcing this Code during the summer school. Students who commit violations of this Code during summer school will be subject to the same range of penalties provided for violations that occur during the regular school year.

#### **I. Special Education Students**

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

#### **J. District Employees**

Any employee who, while on District property or at a District function, wrongfully refuses a valid request or command to desist in any conduct prohibited by this Code, shall be ejected from the premises. Employees found in violation of this Code of Conduct shall be subject to administrative, criminal and/or civil penalties as provided by law.

#### **K. Visitors**

Any visitor to District Property will report to the main office in the school. Unauthorized persons will be asked to leave, and the police may be called if the situation warrants.

The authorization of visitors who violate this Code, if any, to remain on District property or at the District function shall be withdrawn and they individual(s) shall be directed to leave the premises. If they visitor(s) refuse to leave, they the individual(s) shall be subject to ejection and to criminal and/or civil penalties as provided by law.

## **10. Discipline Procedures**

#### **A. Non-Disabled Students**

The amount of due process a student is to be afforded before being disciplined for misconduct depends on the severity of the penalty. In all cases, the District employee authorized to impose the penalty must inform the student of the alleged misconduct ~~he or she is alleged to have committed~~, and must investigate the facts surrounding the alleged misconduct. All students must be given an opportunity to present their version of the facts to the school personnel imposing the penalty. Additional process shall be afforded as follows:

**1. Detention.** In appropriate situations, teachers, principals and the Superintendent may use after school detention for student misconduct as an alternative to removal from the classroom or suspension. Detention will be imposed only after the student's parent/guardian has been notified ~~to~~ and confirm that there is no ~~parental~~ objection. The District will provide late bus transportation. Alternatively, the students must have appropriate transportation home following detention.

**2. Suspensions from Athletics or Extracurricular Activities.** A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's **parent/guardian** will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

**3. In-School Suspensions.** In lieu of a penalty prescribed by this Code, students who would otherwise be suspended from school as the result of a Code violation may be placed in in-school suspension. A student subjected to an in-school alternative is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's **parent/guardian** will be provided with a reasonable opportunity for an informal conference to discuss the conduct and the In-school alternative with the District official imposing the In-School Suspension.

**4. Suspensions from School.** Suspension is perceived to be a serious disciplinary act and should be invoked when to do so is in the best interest of the ~~pupil~~-**student** or for the welfare of others. Efforts will be made to notify the parent or guardian of the suspension prior to the time the ~~pupil~~ **student** leaves the building. In the event that the parent/ ~~or~~ guardian cannot be contacted, the ~~pupil~~ **student** shall remain in the building until regular dismissal time. A student who is suspended is not allowed on school property throughout the period of the suspension without special permission. Suspension from school is a severe penalty. Students who face possible suspension from instruction shall be afforded the procedural protections guaranteed by Education Law §3214 and applicable Commissioner's regulations. They shall also be entitled to the following process:

**(a) Short-term Suspensions**

When the principal proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), ~~he or she~~ **the principal** must immediately notify the student orally and, if the student denies the misconduct, explain the reasons for the proposed suspension. The principal must also notify the student's **parents/guardians** in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four hours of the decision to propose suspension and shall be delivered to the last known address for the **parents/guardians**. Where possible, notice should also be provided by telephone if the school has been provided with telephone numbers 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 **parent/guardian** of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the **parents/guardians**. At the conference, the **parents/guardians** shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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



opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents/**guardians** in writing, of his or her decision. The principal shall advise the parents/**guardians** that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk within ten business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty days of the decision.

### **(b) Long-term Suspensions**

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, ~~he or she~~ **the administrator** shall give reasonable notice to the student and the student's parents/**guardians**, of their right to a fair hearing. At the hearing, the student shall have all the rights guaranteed by Education Law §3214 and applicable Commissioner's Regulations.

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

## **B. Special Education Students.**

1. **Violations that warrant a suspension of five or fewer days.** The procedures set forth in Section 8 of this Code shall apply in those instances where it is determined that the misconduct of students who are classified as disabled by the Committee on Special Education (CSE) does not warrant a suspension in excess of five consecutive school days.
2. **Violations that warrant a suspension of six to nine days.** Where it is determined that the acts of misconduct of students classified as disabled by the CSE warrant a suspension from six to nine consecutive school days, the student shall be entitled to a Superintendent's hearing and the other protections of Education Law §3214.
3. **Violations that warrant a suspension of ten or more days.** The following procedures shall apply to students classified as disabled by the CSE where it is determined that their misconduct warrants a suspension of ten or more consecutive days:
  - (a) The District shall provide the parent/**guardian** with written notice of the Superintendent's hearing, and the student's rights at such hearing. At the same time, the District shall provide the parent/**guardian** with written notice of a CSE meeting to be held, if necessary, to determine whether the student's misconduct is a manifestation of ~~his or her~~ **the student's** disability. This notice shall be served at least five days before the CSE meeting. A written notice of procedural safeguards shall be sent to the parent /**guardian** with the notice of the CSE meeting.
  - (b) Unless waived, a Superintendent's hearing shall be conducted pursuant to Section 3214 of the Education Law.



- (c) The Superintendent's hearing shall be bifurcated into a guilt phase and a penalty phase. Where the Superintendent's hearing concludes with a finding that the student has committed a violation of this Code, the Superintendent shall make a threshold finding whether the penalty will exceed 10 consecutive days or will constitute a disciplinary change in placement. If so, the hearing shall be adjourned and the matter shall be forwarded to the CSE to make the required manifestation determination.
- (d) The CSE shall determine (i) whether the behavior is a manifestation of the student's handicapping condition; and (ii) whether changes are necessary in the student's classification, placement and/or program in order to better meet ~~his or her~~ **the student's** needs. If the CSE identifies deficiencies in the student's IEP or placement at this meeting, it must take immediate steps to remedy those deficiencies.

Where the CSE determines that the behavior is a manifestation of the student's disability, appropriate adjustments in the student's program and/or placement will be made by the CSE.

- (e) Where the CSE determines that the behavior is not a manifestation of the student's disability, the matter will be returned to the Superintendent for the penalty phase of the hearing. At that time, the Superintendent shall consider the student's special education records and may consider the student's anecdotal record. (The student's special education records shall be transmitted to the Superintendent or the hearing officer whether or not the CSE determines that the misconduct is a manifestation of the student's disability). The Superintendent may then impose disciplinary sanctions in accordance with this Code.
- (f) If the student is suspended for ten consecutive days or more (or is subjected to separate suspensions and/or removals that constitute a change in placement as provided in 8 NYCRR §200-1.3 (a)), the CSE must also conduct a functional behavioral assessment and develop a behavioral intervention plan for the student. The CSE shall meet to develop an assessment plan no later than ten school days after the suspension (or change in placement) commences. If the student already has a behavioral intervention plan, however, the CSE must review the plan and its implementation and modify it as necessary to address the current behavior. The CSE shall prepare the behavioral intervention plan as soon as practicable.

4. **Suspensions or removals that amount to more than ten days.** The procedures set forth in Section 8.B.3.(a) through (g) shall also apply to the discipline of those students classified by the CSE as disabled where the student is subjected to a series of removals or suspensions that constitute a pattern because they cumulate to more than ten school days in a school year; and because of other factors such as:

- a. the length of each removal or suspension;
- b. the total amount of time the student is removed or suspended; and
- c. the proximity of the removals or suspensions to one another.

5. **Continuation of Instructional Program.** The District need not provide educational services to students with disabilities who are suspended or removed from the classroom for ten or fewer days provided that such services are not provided to students without

disabilities who have been similarly disciplined. Therefore, during suspensions or removals of ten days or less, the District need only provide the student with alternate instruction, not the services listed in the student's IEP.

Where the suspension or removal is for ten or more consecutive days (or is subjected to separate suspensions and/or removals that constitute a change in placement as provided in 8 NYCRR §200-1.10(c)), the District must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set forth in the student's IEP. The building principal, Superintendent, or other school officials imposing the suspension or removal shall determine, in consultation with the student's special education teacher, the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

6. ***Weapons or Drug Violations.*** The following procedures shall apply to the discipline of those students classified as disabled by the CSE in instances where the student has engaged in behavior involving weapons, illegal drugs or illegal substances:
  - a. The District shall provide the parent/guardian with written notice of the Superintendent's hearing, and the student's rights at such hearing. At the same time, the District shall provide the parent/guardian with written notice of a CSE meeting to be held, if necessary, to determine whether the student's misconduct is a manifestation of ~~his or her~~ the student's disability. This notice shall be served at least five days before the CSE meeting. A written notice of procedural safeguards shall be sent to the parent/guardian with the notice of the CSE meeting. If the CSE identifies deficiencies in the student's IEP or placement at this meeting, it must take immediate steps to remedy those deficiencies.
  - b. Unless waived, a Superintendent's hearing shall be conducted pursuant to Section 3214 of the Education Law.
  - c. Where the hearing concludes with a finding that the student has committed a violation of this Code, the Superintendent may order a change in placement to an interim alternative education setting ("IAES") for up to forty-five days and refer the matter to the CSE to identify an appropriate IAES.
  - d. The CSE shall then meet to determine an appropriate IAES for the student. At that time, the CSE shall also conduct a manifestation determination.
  - e. The CSE must also conduct a functional behavioral assessment and develop a behavioral intervention plan for the student. The CSE shall meet to develop an assessment plan no later than ten school days after a student's change in placement to an IAES for a weapon or illegal drug violation. If the student already has a behavioral intervention plan, however, the CSE must review the plan and its implementation and modify it as necessary to address the current behavior. The CSE shall prepare the behavioral intervention plan as soon as practicable.
  - f. Even where the CSE determines that the student's behavior is a manifestation of the student's disability, the Superintendent may order a change in the student's placement to an IAES for up to forty-five days.

7. **IAES for Dangerous Students.** The following procedures shall apply to the discipline of those students classified as disabled by the CSE in instances where the student's conduct is substantially likely to result in injury to the student or to others:
- a. The District may request an expedited due process hearing to obtain an order of an impartial hearing officer that places a student with a disability in an IAES for up to forty-five days where school personnel maintain that it is dangerous for the student to be in ~~his or her~~ **the student's** current placement.
  - b. The District shall propose an appropriate IAES for the student after consultation with the special education teacher. If the District requests such a hearing, it shall provide the parent/**guardian** with written notice of its intent to do so, an explanation of the proposed IAES, and the procedural safeguards notice.
  - c. The District shall appoint an impartial hearing officer and schedule the hearing. This shall be done as early as possible in the process, since the expedited hearing must be concluded within fifteen days from the request for the hearing.
  - d. At the hearing, the District must prove that (i) maintaining the student in the current placement is likely to result in injury to the student or others; (ii) it has made reasonable efforts to minimize the risk of harm in the current placement; and (iii) the IAES will enable the student to continue to progress in the general curriculum and to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals in that IEP, and include those services that are designed to prevent the behavior from recurring.
  - e. If the hearing officer finds that the District has established the above-mentioned three items by substantial evidence, ~~he or she~~ **the hearing officer** will order an IAES of up to forty-five days.
  - f. If the hearing officer finds that the District has failed to provide substantial evidence of the three items to be established at the hearing, the student must be returned to ~~his or her~~ **the student's** current placement.
  - g. Within ten days of the hearing officer's decision, the CSE must conduct a manifestation determination. The District shall provide the parent/**guardian** with appropriate written notice of a CSE meeting to be held to conduct a manifestation review at least five days before the CSE meeting. A written notice of procedural safeguards shall be sent to the parent/**guardian** with the notice of the CSE meeting. If the CSE identifies deficiencies in the student's IEP or placement at this meeting, it must take immediate steps to remedy those deficiencies.
8. ***Students presumed to have a disability.*** In some instances, students who have not been classified by the CSE as having a disability will be afforded the protections of IDEA and Article 89 of the Education Law when it is alleged that they have committed a violation of this Code. This is true where the District is "deemed to have knowledge" before the alleged misconduct occurred that such student had a disability. In that event, the student is "presumed to have a disability for discipline purposes."
- a. The District will be "deemed to have knowledge" that a student had a disability if, prior to the time the alleged misconduct occurred:

- i. the parent/**guardian** of such student has expressed concern to District personnel, in writing, that the student is in need of special education, provided that such expression of concern may be oral if the parent/**guardian** does not know how to write or has a disability that prevents a written statement;
  - ii. the behavior or performance of the student demonstrates the need for special education; the parent/**guardian** of the student has requested that an individual evaluation of the student be conducted; or
  - iii. a teacher of the student, or other District employee, has expressed concern about the behavior or performance of the student to the director of special education or to other District personnel in accordance with the District's established child find or special education referral system.
- b. However, a student shall not be presumed to have a disability for discipline purposes if, as a result of receiving any of the information specified in Section 8.B.8.a.(i) through (iv), 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 of this determination to the parent/**guardian**.
- c. If a parent/**guardian** claims that the District is deemed to have knowledge that the student had a disability prior to the time the alleged misconduct occurred, the Superintendent or principal imposing the suspension or removal must determine whether the student is a student presumed to have a disability.
- d. If the Superintendent or principal imposing the disciplinary action determines that none of the factors set forth in subsection (a) above was present prior to the alleged misconduct or that the exclusion of subsection (b) above applies, the District is not deemed to have knowledge that the student had a disability. In that event, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.
- e. If, on the other hand, the District is deemed to have knowledge of the student's disability, the student may only be disciplined in accordance with IDEA and Article 89 of the Education Law.
- f. In the event a parent/**guardian** requests an individual evaluation while a non-disabled student is subjected to a disciplinary removal or suspension, the District must conduct an expedited evaluation. The process for such expedited evaluation is as follows:
  - i. An expedited evaluation must be completed no later than fifteen school days after receipt of the request for an evaluation. The District must send a written notice of the evaluation to the parent, **guardian, or caregiver** and obtain parental consent before such evaluation may be conducted.
  - ii. Not later than five school days after completion of the expedited evaluation, the CSE must hold a meeting to determine the student's eligibility for special education. The District must send the parent/**guardian** notice of this meeting at least five days prior to the meeting.

- iii. Until the expedited evaluation is completed, the student must remain in the placement determined by the District, which includes suspension or removal.
- iv. If the student is determined to have a disability, the District must provide special education to the student and may discipline the student only in accordance with IDEA and Article 89 of the Education Law.
- v. If the student is determined not to have a disability, the student may be subjected to the same disciplinary measures as any other non-disabled student.

### **C. Misconduct on School Buses**

The procedures relative to alleged infractions of this Code governing student conduct on school buses are as follows:

1. A student subject to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/**guardian** will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the conduct and the penalty involved.
2. In cases of improper student conduct on school buses, drivers will discuss the situation with the offending student(s) and will complete a bus behavior referral form and forward the same to the building principal.
3. The principal will attempt to assure that the offending student understands the nature and potential consequences of ~~his/her~~ **the student's** actions.
4. In administering disciplinary measures, building principals will consider the nature of the infraction, the age of the student, and the student's history of behavior in school and on school buses.
5. Where a student's riding privileges have been suspended, the student's parent/**guardian** will be responsible for seeing that the student gets to and from school safely.
6. In the event the suspension from transportation amounts to a suspension from attendance, the student will be entitled to a hearing pursuant to Education Law §3214 before the suspension exceeds five school days.

### **D. Misconduct During Summer School**

1. A student who is suspended for misconduct that occurs during summer school is not entitled to a full hearing pursuant to Education Law §3214, unless the suspension contemplated for that student will extend into the regular school year.
2. If the suspension of a student suspended for misconduct, which occurs during summer school, is not contemplated to extend into the regular school year, that student is entitled to an informal meeting with the summer school principal prior to the imposition of any discipline.
3. If the suspension of a student suspended for misconduct, which occurs during summer school, is contemplated to extend into the regular school year, the District shall conduct a §3214 hearing before suspending said student from regular school for more than five days.

## **E. Waivers of the Superintendent's Hearing**

A student and parent/~~guardian~~ may voluntarily and knowingly waive ~~his or her~~ **their** right to a Superintendent's hearing under Education Law §3214. The District shall make available a form for the convenient use of parents who wish to waive their right to such a hearing.

## **F. District Employees**

Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a, and any other legal rights that they may be entitled to.

Civil Service employees who are entitled to the protections of Civil Service Law §75 shall be subject to charges as the facts may warrant. Said charges will be filed and prosecuted pursuant to said statute, and in accordance with any other legal rights they may be entitled to.

Other staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may be entitled to.

Any District employee, whose conduct on District property or at a District function disrupts academic or other school activities or threatens the welfare of the person or property of others, shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with any legal rights that they may be entitled to.

## **G. Visitors**

The following procedures shall apply procedurally to violations of this Code by non-students:

1. The Board of Education hereby delegates authority to enforce these rules and regulations to the Superintendent. The Superintendent of Schools may designate such person, or persons, as ~~he or she~~ **the Superintendent** deems necessary, for the enforcement of these rules and regulations.
2. The Superintendent may initiate and/or receive charges of any alleged violation of these rules and regulations and cause all investigations to be made.
3. The Superintendent may request all lawful assistance to secure, remove, eject or otherwise prevent persons from adversely affecting public order or from materially disrupting normal school processes.
4. Enforcement of these rules and regulations against persons other than the students shall be as provided by law.

# **11. Appeals from the Imposition of Discipline**

## **A. Appeals to the Board of Education**

Appeals from all decisions of the Superintendent of Schools relative to this Code shall be taken to the Board of Education. All appeals shall be made in writing and shall set forth the decision



appealed from and the grounds for the appeal. The written appeal shall be filed with the District Clerk no later than ten business days from the date of the decision which is the subject of said appeal, unless the party appealing can show that extraordinary circumstances prevented the timely filing of the appeal. The Board may adopt, in whole or in part, the decision of the Superintendent and will make its decision in writing. The Board's decision shall be based solely upon the record before it.

## **B. Appeals to the Commissioner of Education**

Final decisions of the Board of Education may be appealed to the Commissioner of Education within thirty days of the decision, in accordance with the timelines and procedures established in Section 310 of the Education Law.

# **12. Removal of Disruptive Students**

## **A. Purpose**

A disruptive student impairs a teacher's ability to teach and interferes with the ability of other students in the classroom to learn. The Board of Education expects that, in most instances, the classroom teacher will be able to control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students can continue to learn. For purposes of this section, "removal" shall have the meaning set forth in Section 4 of this Code.

## **B. Right to Remove Disruptive Student**

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

## **C. Teacher's Conference with the Student**

- 1. Immediate conference with the student.** If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must explain to the student, before the student is removed, why ~~he or she~~ **the student** is being removed from the class. The student must also be given the opportunity to present ~~his or her~~ **their** version of the relevant events. Only after this informal discussion may a teacher remove a student from class.
- 2. Exception to the rule.** If the student poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the teacher may order the student to be removed immediately. In this event, the teacher must explain to the student why ~~he or she~~ **the student** was removed from the classroom, and give the student a chance to present ~~his or her~~ **their** version of the relevant events within 24 hours of the time of removal.

## **D. The Principal's Role**

- 1. Teacher's meeting with the principal.** The teacher must complete a removal form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the



principal is not available by the end of the same school day, the teacher must leave the removal form with the secretary and meet with the principal prior to the beginning of classes on the next school day.

2. **Notice to the parents/guardians.** Within twenty-four hours after the student's removal, the principal or another district administrator designated by the principal, must notify the student's parent/guardian in writing, that the student has been removed from class. The notice must explain the reasons for the removal and also inform the parent/guardian that ~~he or she~~ **they** ~~has~~ **have** the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal and behavior modifications to remedy the cause for the removal.

The written notice must be delivered ~~personally~~ to the parent/guardian ~~or either~~ **personally or** sent by express mail addressed to the last known address for the parent/guardian or by some other means that is reasonably calculated to assure receipt of the notice within twenty-four hours of the student's removal. Notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

3. **Conference with parents/guardians.** If the student denies the charges at the informal meeting, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents/guardians a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight hours of the student's removal. As a general rule, the teacher will attend this conference. The timing of the informal meeting may be extended by mutual agreement of the parent/guardian, teacher and principal.
4. **Principal's review of the removal.** The principal or the principal's designee may overturn the removal of the student from class if the principal finds that (a) the charges against the student are not supported by substantial evidence, or (b) the student's removal is otherwise in violation of law, or (c) the conduct warrants suspension from school pursuant to Education Law §3214, and a suspension will be imposed.

The principal or ~~his or her~~ **principal's** designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, ~~he or she~~ **the teacher** may rescind the removal prior to the expiration of the full period of removal.

## E. Continued Educational Program

Any disruptive student removed from the classroom by the classroom teacher shall be offered the continued educational program and other activities of the class until ~~he or she~~ **the student** is permitted to return to the classroom.

## F. Documenting the Removal Process

Each teacher must keep a complete record of all actions related to a student's removal from ~~his or her~~ **the teacher's** class on the District's removal form. The principal must also keep a record of all actions ~~he or she~~ **the principal** takes with respect to a student who is removed from class in accordance with this section of the Code.

## **G. Special Education Students**

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

# **13. Referral to Authorities**

## **A. Law Enforcement**

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

The principal must also immediately notify the Superintendent of Schools of other Code violations that constitute a crime and substantially affect the order or security of a school. The Superintendent is to inform the appropriate local law enforcement agency as soon as practical, but in no event later than the close of business on the day the Superintendent learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day. The notification must identify the student(s) and explain the conduct that violated the Code and constituted a crime.

## **B. Juvenile Justice Agencies**

The District will immediately confiscate any weapons, alcohol or illegal substances possessed by a student and will notify the parent/**guardian** of the student involved of the incident. Appropriate disciplinary action will be taken, up to and including permanent suspension and referral for criminal prosecution.

The Superintendent of Schools shall refer any student who is determined to have brought a weapon to school who is under the age of sixteen, or who is fourteen or fifteen years old and does not qualify for juvenile offender status under the Criminal Procedure Law to the County Attorney for a juvenile delinquency proceeding before the Family Court.

The Superintendent of Schools shall refer a student over the age of sixteen and any student fourteen or fifteen years old who qualifies for juvenile offender status to the appropriate law enforcement authorities for prosecution. Students fourteen or fifteen years old who qualify for juvenile offender status under section 1.20 of the Criminal Procedure Law include those who possess a concealed firearm, machine-gun or loaded firearm on school grounds. The Superintendent of Schools may consult the District counsel if ~~he or she~~ **the Superintendent** has any question as to whether the student in question does qualify for juvenile offender status.

## **C. Human Services Agencies**

The Superintendent of Schools shall make a referral of a student discipline case to an appropriate human service agency whenever, in ~~his or her~~ **the Superintendent's** judgment, the same is warranted. The Superintendent may receive and consider the recommendations of the student's principal, teachers, counselor, school psychologist and other pupil services personnel

familiar with the student in deciding whether to make such a referral and, if so, to which agency. The parent/**guardian** of the student shall be informed of the referral.

#### **D. Superintendent's Designee**

The Superintendent of Schools may, ~~in his or her discretion~~, designate an individual to perform the obligations imposed upon the Superintendent by this Section.

## 14. Reporting

#### **A. Completing the VADIR Form**

The principal will complete an appropriate incident report for each violent and/or disruptive incident that occurs on school grounds. The incidents that require the completion of a VADIR report under this section are identified in the Regulations of the Commissioner of Education, §100.2(gg). The District shall retain completed VADIR forms for six years.

#### **B. Submission of Annual Summary to the State Education Department**

The District shall submit a summary report of the incidents recorded on individual VADIR forms completed during July 1 through June 30 on the Basic Educational Data System (BEDS) School Data Form for that school year in the space provided.

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

The school principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students, ~~and~~ parents/**guardians** 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~~ **they have** 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 school 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 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, bullying and/or retaliatory conduct shall be:

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

#### **D. 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.

## **15. Remedial Responses to Violations of the Code of Conduct**

Students who violate this Code may also be subject to remedial action as the facts may warrant, including 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/**guardian** 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;
- e. targeted use of monitors;
- f. staff professional development;
- g. parent/**guardian** conferences;
- h. involvement of parent-teacher organizations; and/or
- i. peer support groups.

## 16. Alternative Education Programs

The following educational programs shall be utilized as appropriate to meet the individual needs of students.

### A. Suspended Students

When a student of any age is removed from class by a teacher pursuant to Section 11 of this Code and when a student of compulsory school age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide the student with adequate alternative instruction. In addition, alternative instruction will be made available to any student over compulsory school age who evidences a sincere desire to complete ~~his or her~~ **their** high school education.

### B. In-School Planning Program

When a student exhibits inappropriate behavior, ~~sometimes he or she~~ **the student may** ~~will~~ be referred to the In-School Planning Room. A staff member will supervise this room, and will help the student write a contract to correct the unacceptable behavior.

1. **Preparation of Plan.** The In-School Planning Room is a designated room where students will remain until they have prepared a plan of action that will improve their behavior. The parents/**guardian** will be notified each time the process has taken place and will be provided with a copy of the resulting plan along with teacher comments. The teacher will contact students who have established a plan. The plan must be mutually acceptable; otherwise the student must remain in the ISP room in order to revise the plan.
2. **Planning Report.** An In-School Planning Report will be sent to the parents/**guardian** once the student has prepared an acceptable plan. This report includes (a) a summary of rule infraction; (b) a copy of the student's plan of action; (c) the length

of time the student has stayed in the In-School Planning Room; and (d) teacher comments.

3. ***In-School Planning Room.*** Students sent to the ISP room are expected to plan corrective steps to avoid future discipline problems.
  - (a) Students who refuse to go to In-School Planning will be subject to further disciplinary action as determined by the building principal.
  - (b) Students who do not complete their plan at the end of the day must return to the In-School Planning the following school day. Students who fail to report to In-School Planning the following day, will be called to the main office and sent to In-School Planning to complete an additional plan addressing the problem of failing to report to In-School Planning.

### **C. In-School Suspension**

In lieu of a penalty as prescribed in Section 8 of this Code, students who might be suspended from school if found guilty of a Code violation may consent to be placed in in-school suspension.

A student who is permitted the in-school alternative will be removed from the classroom setting for a specified period of time, ranging from several hours to several days. The student will be provided with class work and is expected to complete it to the teacher's satisfaction in a quiet, orderly manner.

### **D. Peer Mediation**

It is to be expected that throughout a school year, students may come in conflict with one another. It is important that students learn the proper way to handle a disagreement with a classmate, and peer mediation is available at the Baker High School and Durgee Junior High School as a method to resolve such disagreements. The purpose of peer mediation is to allow students to work out their problem before their problem escalates to a higher level. Peer mediation is not a form of discipline for students, and all students participate in mediation on a voluntary basis. Trained students will serve as mediators (neutral third parties) to facilitate the problem-solving process between two conflicting students. If mediation does not work, disputants may be recommended to a guidance counselor and/or administrator for additional intervention or consequences. Peer mediation issues include peer jealousy, rumors, misunderstandings, bullying and misuse of property. A trained faculty member is always present during peer mediation sessions.

## **17. 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 or 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.

## 18. Publication and Review

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/**guardians**, students and community members throughout the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents/**guardians** 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/**guardians** 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 this 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. The committee will be made up of representatives of student, teacher, administrator, and parent/**guardian** 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/**guardians**, 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.

## 19. Interpretation

### A. Calculating Time Limits

When any period of time for an act to be done under this Code ends on a Saturday, Sunday or a public holiday, such act may be done on the next succeeding business day and, if the period ends at a specified hour, such act may be done at or before the same hour of such next succeeding business day.



## **B. “Time Out” Techniques**

Nothing in this Code abridges the right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as “time out” in an elementary classroom or in an administrator’s office or sending students briefly into the hallway are not considered removals from class. The removal process is not a substitute for good classroom management.

## **C. Authority to Suspend**

Nothing in this Code abridges the customary right or responsibility of a principal to suspend a student when, in the judgment of the principal, the student’s conduct warrants the same.

## **D. Inconsistent Provisions**

To the extent that any provision of this Code conflicts with any District rule, regulation or policy, the provisions of this Code shall be controlling.

## **E. Not Exclusive**

These rules and regulations and the penalties imposed hereunder shall not be deemed exclusive, nor as a limitation, waiver, or extinguishment of the District's right to utilize other available legal remedies against persons who violate this Code. The District may take additional or other legal action, as it deems appropriate or necessary to maintain public order.

## APPENDIX A

### CLASSIFICATION AND ALTERNATIVE INFRACTION DESCRIPTIONS (GRADES K-5)

#### **1. Classifications and Alternative Descriptions of Infractions – Elementary Schools**

- a. any violation of cafeteria rules
- b. bringing weapons, explosives or dangerous objects to school
- c. cheating on daily work, quizzes or exams
- d. harassment
- e. defacing or destroying school property
- f. destroying books or materials
- g. failure to complete homework assignments
- h. failure to return materials on due date
- i. intimidation or bullying
- j. littering in halls, lavatories, rooms or grounds
- k. loss of books
- l. misuse of audio-visual equipment, including computers
- m. possession, use or being under the influence of drugs or alcohol at school
- n. buying or selling drugs or alcohol at school
- o. reckless endangerment
- p. smoking and/or use of tobacco/non-tobacco and related novelty products on school property
- q. throwing snowballs
- r. violation of bus rules

#### **2. Interventions and Penalties for Elementary Students**

Violations of the Code of Conduct by elementary students may result in one or more of the following interventions and/or penalties.

- a. Counseling – The student may be counseled about ~~his or her~~ **the student's** behavior, and may be referred for further appropriate counseling.
- b. Classroom time out – Teachers may remove students from the classroom for a brief period of time.
- c. Office time-out – Problems that defy solution at the classroom level may be referred to the principal, who may take one or more of the following steps:
  - i. The student describes the problem and devises an acceptable plan of action to correct the situation.
  - ii. The student meets with the principal and teacher.
  - iii. Parents/**guardians** are notified.
- d. Parent/**Guardian** conference – Meetings with parents/**guardians**, teachers, and other personnel, if appropriate, to address the student problem.

- e. In-school suspension – Removal from the classroom setting for a specified period of time, ranging from several hours to several days. The student will be provided with class work and is expected to complete it to the teacher’s satisfaction in a quiet, orderly manner. Disorderly conduct during an in-school suspension will lead to an out-of-school suspension.
- f. After-school detention – Staying after school for a designated period of time.
- g. Out-of-school suspension – Students may be removed from school for a specified period up to five school days.
- h. Parent/**Guardian** supervision – Parents/**guardians** may be requested to spend one or more days with their child in the school setting.
- i. Superintendent’s hearing – Serious infractions that require more than a five-day suspension from school are referred to the Superintendent of Schools.
- j. Referral to authorities – The Superintendent of Schools shall inform the appropriate law enforcement agency of any misconduct that is criminal in nature and substantially affects the moral welfare of a student or the overall safety of the school.

## APPENDIX B:

### CLASSIFICATION AND ALTERNATIVE INFRACTION DESCRIPTIONS (GRADES 6-12)

#### 1. Violent and Disruptive Incidents

Generally, violent and disruptive incidents will result in the imposition of a suspension by the principal, who is permitted by state law to impose out-of-school suspensions for up to five school days. In such cases, the principal may refer the matter to the Superintendent of Schools, who will determine whether a hearing is warranted to consider the charge against the student and whether additional disciplinary consequences might be warranted.

The Superintendent of Schools may, after a determination by the hearing officer that the student had in fact violated the Code of Conduct, and after considering the recommendation of the hearing officer regarding the imposition of further disciplinary consequences, impose additional periods of suspension, e.g., for the remainder of the quarter, semester or academic year, or for a year or more. Some violent and disruptive incidents may give rise to questions about a student's need for counseling or related services outside of school, and the Superintendent may require a student to obtain such services as a condition of eventually returning to school.

The following infractions are among those for which extended periods of out-of-school suspension may be imposed, and for which counseling may be mandated as a condition of returning to school, and for which police referrals are possible and likely:

Assault	Sexual Offenses
Bomb Threat	Threat of School Violence (Other than Bomb Threat or False Alarm)
False Alarm	
Homicide	Weapons Possession
Material Incident of Discrimination	Use, Possession, or Sale of Alcohol
Harassment, & Bullying	Use, Possession, or Sale of Drugs

#### 2. Other Infractions

Principals may impose a range of disciplinary consequences for other violations of the Code. Disciplinary consequences will reflect the seriousness of the offense and the disciplinary record of the student. Progressive discipline may also result in a referral of non-violent offenses for consideration at a superintendent's hearing, at which additional disciplinary consequences, including long-term suspension, may be imposed.

##### ***Attendance Violations***

Cutting class	after-school detention Friday detention in-school suspension
Leaving class warning without permission	after-school detention Friday detention

Leaving school grounds  
or final exam  
without permission

in-school suspension  
out-of-school suspension

Friday detention  
in-school suspension  
out-of-school suspension

Tardiness

warning  
after-school detention  
Friday detention  
in-school suspension

Truancy

after-school detention  
Friday detention  
in-school suspension

### ***Academic Violations***

Cheating, plagiarism  
or misrepresentation

zero on assignment  
after-school detention  
Friday detention  
in-school suspension  
out-of-school suspension

Computer Abuse

warning  
loss of privileges  
detention  
Friday detention  
in-school suspension  
out-of-school suspension  
referral to police agency

Disorderly Conduct

warning  
after-school detention  
Friday detention  
in-school suspension  
out-of-school suspension  
referral to police agency

Dress Code Violations

warning  
change or cover up clothing  
parent/guardian contact  
detention  
in-school suspension  
out-of-school suspension

Electronic Devices Violations

warning and confiscation  
lunch detention  
after-school detention  
confiscation - item returned to  
parent/guardian

	Friday detention in-school suspension out-of-school suspension
Gambling	Friday detention in-school suspension out-of-school suspension
Insubordination	warning after-school detention Friday detention in-school suspension out-of-school suspension
<b>Harassment</b>	
Material Incident of Discrimination, Harassment, And Bullying (VADIR)	Friday detention in-school suspension out-of-school suspension
Cyber-Bullying	Friday detention in-school suspension out-of-school suspension
Extortion	out-of-school suspension referral to police agency
Kidnapping	out-of-school suspension
Larceny or Other Theft Offenses	out-of-school suspension
Minor Altercations	in-school suspension out-of-school suspension
Other Harassing And Bullying Behavior, Hazing, Intimidation (Non-VADIR)	warning Friday detention in-school suspension out-of-school suspension
Sexual Harassment	warning Friday detention in-school suspension out-of-school suspension
Making Threats	warning after-school detention Friday detention in-school suspension out-of-school suspension

Physical Threat to the School Community	out-of-school suspension
Reckless Endangerment	out-of-school suspension
Riot	out-of-school suspension
<b><i>Other</i></b>	
Parking and Driving Violations	Friday detention out-of-school suspension for 3-5 days (driving infractions) loss of driving and parking privileges
Public Displays of Affection	warning after-school detention Friday detention in-school suspension out-of-school suspension
Tobacco/Non-Tobacco and Related Novelty Products Violations	confiscation anti-vape education program Friday detention in-school suspension out-of-school suspension
Unacceptable Behavior – includes conduct at school, on school buses, and at school events, includes offenses against property, <i>e.g.</i> , vandalism, possession of stolen property	warning after-school detention suspension from attending school events Friday detention in-school suspension out-of-school suspension referral to police agency



# **APPENDIX C:**

## **CODE OF CONDUCT FOR STUDENT ATHLETES**

### **1. Introduction**

Athletics are an important component of the District's educational program. The Code of Conduct for Student Athletes applies to student athletes from their first interscholastic participation through graduation. These rules are in effect from July 1 through June 30 of each school year, and apply to all student athletes in grades seven through twelve.

Participation in athletics is a privilege, not a right. Because of this, student athletes are held to a higher standard. Students' participation in the District's athletic program is conditioned upon their adherence to the provisions of this Code of Conduct for Student Athletes.

### **2. General Requirements**

- Student athletes and parents/**guardians** must sign a contract signifying that the athletes and their parents/**guardians** understand and accept all Rules, Code/Standards and expectations of the Athletic Code of Conduct.
- Student athletes must be enrolled in three full-time courses and actively participate in physical education classes, as required by the New York State Public High School Athletic Association.
- Student athletes must have received a current physical examination and must have returned all of the appropriate forms.
- Student athletes must attend all practices and games throughout the sport season, unless absence is approved by the coach. Interscholastic sport teams in-season must have priority over club or recreational type programs.
- Student athletes must meet all eligibility standards and abide by the rules set forth by the Baldwinsville Central School District, the Central New York Counties League, Section III, and the New York State Public High School Athletic Association.

**\*A season is defined as: the first Section 3 approved date of practice to the conclusion of the NYSPHSAA State Championship for that sport of participation**

### **3. Academic Eligibility Standards**

Students are expected to remain in good academic standing during the periods of their participation in athletics. Failure in two courses will result in a probationary status for two weeks, during which time the student must demonstrate the necessary improvement. If the deficiency persists in three or more courses, the student will be ineligible to participate in athletics. Please note: dropping a course during the period of ineligibility will not result in a change to eligible status. The ineligibility remains in place until the subsequent report card date.

## Varsity/Junior Varsity and Freshman Interscholastic Athletic Teams

- Academic Eligibility (**JV and Varsity**) to be run using 3 Marking Periods, which align with Section III's Fall, Winter and Spring sports' seasons. These Quarters would include Mid-Mark Marking Period 1 (5 weeks) for the Fall season (start date Aug); Mid-Mark Marking Period 2 (15 weeks) for the Winter season (start date Nov), and 3rd Quarter Marking Period (30 weeks) for the Spring season (start date March).
  - Review mid-grade points to review grades to inform students and parents that the student's continued eligibility may be in jeopardy by continuing to use our Eligibility Probation Contracts.
1. If a student is failing one subject, ~~during any of the academic eligibility periods as mentioned above in any five-week marking period,~~ the student may continue to participate. Students will be allowed to participate with one failing grade, but must continue their efforts to bring the grade up to passing.
  2. If a student is failing two subjects ~~during any of the academic eligibility periods as mentioned above in any five-week marking period,~~ the student has two weeks to bring at least one of the subjects up to a passing grade and the student may continue to participate. The student will contract with the teacher, coach, parent/**guardian** and administration to bring ~~his/her~~ **the student's** grades up to passing. If, after the two weeks, the student is failing two subjects, ~~he/she~~ **the student athlete** will be suspended ~~for the remainder of that season. from the activity until the next five or ten week marking period, whichever comes first. At that point the ineligibility continues until at least one grade is brought up to passing. Whenever a student is participating with one failing grade, the conditions set forth in item one above will be in effect.~~
  3. If a student is failing three or more subjects, the student will be declared ineligible to participate ~~in any activity until the~~ **for the remainder of that athletic season.** ~~next five or ten week marking period, whichever comes first. At that point, the ineligibility continues until the student is passing all subjects (except that he/she may participate with one failing subject under the conditions set forth in item one above).~~

## 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Modified Interscholastic Athletic Teams

- Academic Eligibility (**Modified**) to be run using 4 Marking Periods, which align with Section III's Fall, Winter 1 & Winter 2, and Spring sports' seasons. These Quarters would include: Mid-Mark Marking Period 1 (5 weeks) for the Fall season (start date Aug); 1st Quarter Marking Period (10 weeks) for the Winter 1 season (start date Nov), 2nd Marking Period (20 weeks) for the Winter 2 season (start date Jan) and 3rd Quarter Marking Period (30 weeks) for the Spring season (start date April).
1. ~~Students failing one or more core academic class(es) at the conclusion of a marking period will be placed on academic probation.~~
  1. If a student is failing one subject, during any of the academic eligibility periods as mentioned above, the student may continue to participate. Students will be allowed to

participate with one failing grade, but must continue their efforts to bring the grade up to passing.

2. If a student is failing two core academic classes ~~during at the conclusion of a marking period~~ **the academic eligibility period** they will be placed on academic probation. Academic probation requires the student to secure an Athletic/Extra-Curricular Eligibility Report form, have their teachers complete the form, and present the information to ~~his/her~~ **the student's** coach or advisor. Students will receive instructions from their Assistant Principal on how to complete the form and how to present it to their teachers for completion.

After receiving the Athletic/Extra-Curricular Eligibility form, the student can continue to participate in extracurricular activity. Students have one week to meet with the teachers in the subject areas they are failing and complete the form with the teachers and create a plan to bring their grade(s) up. This plan needs to be written on the form, signed by the teachers and returned to the main office within one week of receiving the form. If the form is submitted within one week; the student will continue to fully participate in the extracurricular activity. If a student does not hand in the form they will be deemed ineligible until the form is submitted.

Students will receive a copy of the completed Athletic/Extra-Curricular Eligibility Report form. After two (2) weeks from the date the initial form is submitted to the office, the student will turn in verification that they have abided by the plan created with their teachers. Failure to do so will result in suspension from games/matches. Students can continue to practice until the conclusion of the season.

3. If a student is failing three or more subjects, the student will be declared ineligible to participate in any activity until the ~~for the remainder of that athletic season. next five or ten week marking period, whichever comes first.~~ **for the remainder of that athletic season.** At that point, the ineligibility continues until the student is passing all subjects (except that ~~he/she~~ **the student** may participate with one failing subject under the conditions set forth in item one above.)

### **Communication of Eligibility Status**

Ineligibility will become effective on the Monday immediately after the date grades are published in School Tool. When a student is placed on the ineligible list, administration will meet with the student athlete to review the expectations and communicate what steps the student athlete has to take in order to continue to participate in extracurricular activities.

It is the student athlete's responsibility to complete the Athletic/Extra-Curricular Eligibility Report form within the deadline.

## **4. Behavioral Eligibility Standards**

Student athletes are expected to abide by the applicable codes of conduct, to demonstrate respect for the rights of others, and to behave in a manner that reflects positively on themselves, their school, and their community. Specifically, students are expected to:

- a. refrain from the use, possession, sale or distribution of alcohol, drugs, and tobacco/non-tobacco and related novelty products, on or off campus;
- b. demonstrate self-control and respect for others during participation in all athletic activities;
- c. respect the integrity and judgment of faculty, staff, and officials involved in the athletic activities;
- d. be familiar with, understand, and abide by the rules and regulations of the athletic activity or event;
- e. abide by any further conditions imposed by the advisors, moderators or coaches of the athletic activity during the periods of participation athletic activities.

Students who fail to meet these behavioral expectations may be suspended from their participation in athletics, in addition to any other penalty imposed by the school or by the district.

## 5. School Attendance

Student athletes must be in attendance for the entire school day in order to be eligible to participate in practices or athletic contests on that day. Student athletes who are truant or who are serving in-school suspension or out-of-school suspension will not be eligible to participate in practices or athletic contests on that day. The athletic director, principal, or superintendent of schools may make exceptions for the following reasons:

- death or serious illness in the family;
- court appearance;
- college visitation;
- medical appointment verified by a note from the medical office personnel;
- religious observance;
- extraordinary circumstances.

## 6. Level 1 Violations

It is a violation of the Code of Conduct for Student Athletes to:

- a. use, possess, sell or distribute tobacco/non-tobacco, related novelty products and/or accessories;

If a student is caught vaping with a nicotine charge the first time. The student must complete the Vape Educate program. While the student athlete is completing the program, they cannot participate in athletics.

The student athlete will be reinstated back into the athletic program once completion is verified. Once reinstated the student athlete will receive a one (1) game/contest/match suspension.

If a student is caught vaping with a nicotine charge for the second time. They will have to follow the athletic reinstatement process.

If a student is caught vaping with a THC charge. The student must complete the Vape Education program and will have to follow the athletic reinstatement process.

- b. use, possess, sell, distribute or be under the influence of alcoholic beverages, illegal drugs or performance enhancing substances (e.g., caffeine pills, steroids), whether legal or illegal, look-alike drugs, or drug paraphernalia on school grounds, off school grounds, whether during sport season or out of sport season;

If a student is caught vaping with a THC charge. The student must complete the Vape Education program and will have to follow the athletic reinstatement process.

- c. host or remain present at events, activities or locations where minors are consuming or being served alcohol, illegal drugs or other performance-enhancing substances;
- d. use, possess, or distribute firearms, weapons or explosive devices on school grounds or at school events;
- e. engage in illegal gambling activities;
- f. engage in harassing behaviors that include: verbal threats, threatening, hazing activities, bullying, cyber bullying, vandalism, intimidation, retaliation or abuse, conduct or speech based on a persons' actual or perceived race, color, weight, national origin, ethnic group religion/religious practices, disability, sex, sexual orientation, gender, or perceived gender, protected federal rights, or other personal misconduct, including, but not limited to, conduct that involves police or court action.
- g. Will not engage in indecent exposure at any time or at any place.

For purposes of this section, "possess" shall mean to have in one's possession or control, e.g., on one's person or in one's physical control or keeping, or to have in one's presence or close proximity.

## 7. Level 1 Violations – Consequences

Following the investigation of the facts by the coach, Athletic Director or building administrator, the following actions will be taken for violation of the Code of Conduct for Student Athletes by the Athletic Director:

- Parental/guardian notification;
- suspension from participation in District athletic programs until the student has been through the reinstatement process.

### **PROCESS:**

The student athlete is immediately suspended from the team or athletic club for the remainder of that sport season. This includes all regular season games and post-season play. The suspension continues for future interscholastic sports participation while the student's appeal or request for reinstatement is pending.

The student athlete may seek reinstatement for eligibility for the season of desired participation. If approved, participation would commence following completion of the in-season suspension and completion of any additional consequences imposed. The reinstatement process requires that a

student submit a written request for a meeting with the Athletic Reinstatement Committee. This meeting will be held within two weeks from receipt of the student's written request. The Athletic Reinstatement committee will make a recommendation regarding reinstatement to the Athletic Director. The Athletic Director will make a determination to deny or grant reinstatement. Within five school days, the athletic director shall notify the student in writing of the decision of the Athletic Reinstatement Committee. The student athlete and ~~his/her~~ the student's parent/guardian(s) have the right to appeal the decision within five (5) days to the Superintendent of Schools or ~~his/her~~ the Superintendent's designee.

Once the Athletic Reinstatement Committee or the Athletic Director has determined that the student will be reinstated, then, as a condition of such reinstatement, one or more of the following additional consequences will be applied based on seriousness of the violation:

- A minimum of three hours of substance abuse awareness counseling or education may be required for drug- and alcohol-related infractions.
- If the suspension is for less than 25% of the regular-season contests in the present sport season, the student will have the difference applied to the next sport season of participation to meet or, if applicable, exceed 25% minimum number of contests. The suspension is applied the next sport season of participation for which student previously participated on during the past calendar year and also applied to any sport which the student did not participate on during the last calendar year, which takes place prior to the sport of previous participation.

Example: A soccer/lacrosse player is suspended from the fall season and for 20% of the next season of participation. Reviewing the previous year, this individual would sit out 20% of the upcoming spring season. If ~~he~~ the student athlete elects to participate in the winter season, the student will sit out 20% of both seasons (spring and winter).

- The minimum suspension after student reinstatement process is 25% and could range up to one calendar year.
- If a modified student athlete commits a level 1 violation during their modified career (modified 7<sup>th</sup>/8<sup>th</sup>, modified 8<sup>th</sup>/9<sup>th</sup> or modified 9<sup>th</sup>) the student athlete will follow the process for reinstatement for consideration to return to modified athletics.
- If a modified student athlete commits two level 1 violations during their modified career (modified 7<sup>th</sup>/8<sup>th</sup>, modified 8<sup>th</sup>/9<sup>th</sup> and modified 9<sup>th</sup>) they will be deemed ineligible to participate in modified athletics.
- Any student deemed ineligible in modified athletics is allowed to participate in high school athletics (Varsity, Junior Varsity & Freshman). If this student athlete commits another level 1 violation at the High School Level they will immediately enter into the athletic reinstatement process.

Post-season play is not calculated into the percentages.

- If all terms of the suspension are completed during the regular season, the student athlete would be eligible to participate in the post-season.
- If the student athlete has not completed all terms of the suspension, during the regular season, the student athlete will serve the terms of the suspension into the post-season. At the time all terms of the suspension are completed, the student athlete would be eligible to participate in the remainder of the post season at the direction of the Athletic Director.
- Any post-season awards, recognition or attendance at banquets will be determined by the coach and the athletic director.

## 8. Level 2 Violations

1. Student athletes will adhere to individual team rules, which are established in writing by coaches and on file in the athletic office, and which shall not be inconsistent with the Code of Conduct.
2. Student athletes will return school equipment and uniforms at the end-of-season, or they will forfeit post-season awards and will not be eligible to participate in any other sport until the matter has been resolved.
3. Student athletes who quit or are unable to finish the season or post season play because of disciplinary action, academic ineligibility, or other reasons, will forfeit all awards, including team awards, certificates, letters, pin, etc.
4. Student athletes will dress appropriately and participate in scheduled physical education classes.
5. Student athletes will not engage in activities or actions which bring discredit to the school program or team as determined by the coach, athletic director or principal.
6. Student athletes will be responsible for theft or damage of uniforms, money or school property related to the athletic program.
7. Athletes will not be absent from practices or games to attend other sports, clubs or recreational type activities. In-season interscholastic program will take priority over these activities.

## 9. Level 2 – Consequences

Decisions regarding the enforcement of the Level 2 consequences for first and second offenses are made by the individual coach(es), who submit a written report to the athletic director regarding the violation and the consequences imposed as a result of the violation. All third offenses will be reviewed by the coach and athletic director to determine the consequences.

**1<sup>st</sup> Offense:** A first offense penalty may range from an official warning to exclusion from athletics for up to 25% of scheduled contests. Post-season awards will be determined by the coach and athletic director.



2<sup>nd</sup> Offense: A second offense penalty may range from exclusion from athletics for up to 25% of the season, which could be carried over to the next sport season of participation. Post-season awards will be determined by the coach and athletic director.

3<sup>rd</sup> Offense: A third offense penalty will result in suspension for up to one calendar year, and forfeiture of awards and post-season recognition.

During the period of suspension, the student athlete is ineligible to participate in any contests or team activities for the duration of the suspension. The coach, athletic director and principal will determine whether the suspended student athlete will participate in practices and/or attend contests. In no case will the suspended student athlete dress in a school uniform, sweats or team clothing during the suspension period.

## 10. Parent & Guardian Responsibility

Parents and guardians are essential partners in maintaining a safe, educational and enjoyable program of athletics for students. When present at the District's athletic events, including practices, they are expected to model the kind of citizenship and sportsmanship that is expected and required of students. The following are among the District's expectations for the parents/**guardians** of student athletes:

1. Parents/Guardians are knowledgeable about the Rules and Conduct/Standards to which their children have committed as student athletes.
2. Parents/Guardians review the athletic code of conduct with their student athlete(s) and to know the consequences for violations of those Rules and Conduct/Standards and assist in their enforcement.
3. Parents/Guardians are supportive and encourage their children to demonstrate appropriate behavior while representing the District as student athletes.
4. Parents/Guardians hold their children accountable for their actions and guide them in making proper decisions regarding drugs, alcohol and tobacco.
5. Parents/**Guardians** are knowledgeable about individual team rules and expectations and address concerns regarding their children's program to the coach.
6. Parents/Guardians are knowledgeable spectators, knowing the rules of the game and serving as role models for sportsmanship. They cheer our successes, and show understanding in the wake of defeat. They encourage the efforts of their children's teams, and they respect the efforts of the opposing teams.
7. Parents/Guardians adhere to state laws that prohibit smoking (includes electronic cigarettes) on school grounds or in school buildings.
8. Parents/Guardians should encourage their student athlete(s) to be proactive if they have a concern with their team and to follow the protocol. It is important for our student athletes to advocate for ~~himself or herself~~ **themselves** if they have a concern.

9. Parents/Guardians demonstrate a respect for the privacy of all student athletes, and an understanding of the coaches' responsibilities to all student athletes, by refraining from speaking with coaches about such issues as playing time, athletic ability, and team strategy, insofar as those subjects relate to student athletes other than their own child.

## 11. Protocol for Athletic Concerns

If a concern/situation presents itself during the season, below is the protocol to address the concern/situation. As a reminder, there is a 24-hour rule for speaking with coaches after a meet/match/game.

As a reminder, parents/guardians and student athletes will refrain from speaking with coaches about such issues as playing time, athletic ability, and team strategy insofar as they relate to student athletes other than their own child.

- Student athlete meets with coach – if not resolved;
- Student athlete & parent/guardian meets with coach – if not resolved;
- Student athlete, parent/guardian and coach meets with the Athletic Director.

## 12. BCSD Spectator Sportsmanship Policy

The Baldwinsville Central School District (BCSD) believes in the educational value of Interscholastic Athletics, and therefore emphasizes the importance of good sportsmanship and equitable competition. Student-athletes are expected to follow the rules and play to the best of their abilities while demonstrating good sportsmanship, and spectators are expected to encourage and to cheer positively for their teams. At times, when people get emotionally caught up in the competition, they cross the line between encouraging and discouraging, positive and negative. Therefore, the BCSD has implemented rules to apply to spectator behavior, similar to those that already exist for players and coaches.

Behavior that degrades, humiliates, intimidates or threatens a player, coach, referee, school official or another parent/guardian, or fan before, during or after a contest is subject to action by school personnel. Anyone who engages in misconduct as described above, or who is removed from an interscholastic contest at the request of a game official or school personnel, will be subject to the following:

- 1<sup>st</sup> Offense: Offender(s) removed immediately from the contest and prohibited from attending the NEXT contest of that sport. (Whether the contest is home or away). If it is the last contest of the season, the penalty carries over to the next season.
- 2<sup>nd</sup> Offense: Offender(s) prohibited from attending ANY contests in that sport for the remainder of the season in question (fall, winter, spring). If it is the last contest of the season, the penalty carries over to the next season.
- 3<sup>rd</sup> Offense: Offender(s) prohibited from attending ANY HOME OR AWAY school district athletic events for one full calendar year, commencing from the date of the 3<sup>rd</sup> offense.

### 13. Acknowledgement of the Risk of Injury

Parents and guardians acknowledge that participation in athletic programs exposes participants to the risk of injury, including, but not limited to, the risk of sprains, fractures and ligament and/or cartilage damage which could result in a temporary or permanent, partial or complete impairment in the use of limbs, brain damage, paralysis or even death. Having been so cautioned and warned, participation in the District's athletic program by the student athlete indicates the parent's/  
guardian's full knowledge and understanding of the risk of injury.

# **APPENDIX D: STANDARDS FOR PARTICIPATION IN CO- AND EXTRA-CURRICULAR ACTIVITIES AND FOR ALL STUDENTS WHO SERVE IN LEADERSHIP ROLES**

## **1. Introduction**

Participation in Co- and Extra-Curricular Activities, as well as, serving in leadership roles is an important part of the overall educational experience of the students of the Baldwinsville Central School District. The Code of Conduct for students who participate in Co- and Extra-Curricular Activities and for Students who serve in Leadership Roles applies to these students from their initial commitment of participation through graduation. These rules are in effect from July 1 through June 30 of each school year, and apply to all students who participate in Co- and Extra-Curricular Activities and for all Students who serve in Leadership Roles in grades seven through twelve.

Participation in Co- and Extra-Curricular Activities and serving in leadership roles is a privilege, not a right, and because of this, students are held to a higher standard. This privilege is conditioned upon the students' adherence to the provisions of this Code of Conduct, and may also be forfeited by students who fail to meet academic, behavioral or activity-specific eligibility standards. Students who serve on any club or group, or who are elected as class officers or officers for Honor Society will also be expected to follow these stipulations and to behave according to all of their particular group's local, state, or national constitutions or bylaws.

## **2. Academic Eligibility Standards**

Students are expected to remain in good academic standing during the periods of their time as a student leader and throughout participation in co-and extra-curricular activities. Failure in two or more courses will result in a probationary status for two weeks, during which time the student must demonstrate the necessary improvement. If the deficiency persists in three or more courses, the student will be ineligible to participate in co- or extra-curricular activities until the deficiency is resolved. Please note: dropping a course during the period of ineligibility will not result in a change to eligible status. The ineligibility remains in place until the subsequent report card date.

a. **Academic Eligibility to be run using 3 Marking Periods. These Quarters would include Mid-Mark Marking Period 1 (5 weeks) for the Fall (start date Aug); Mid-Mark Marking Period 2 (15 weeks) for the Winter (start date Nov), and 3rd Quarter Marking Period (30 weeks) for the Spring (start date March).**

b. **Review mid-grade points to review grades to inform students and parents that the student's continued eligibility may be in jeopardy by continuing to use our Eligibility Probation Contracts.**

## Co – and Extra – Curricular Activities

1. Students failing one or more core academic class(es) at the conclusion of a marking period will be placed on academic probation. If a student is failing one subject **during any of the academic eligibility periods as mentioned above** ~~in any five week marking period~~, the student may continue to participate. Students will be allowed to participate with **one failing grade**, but must continue their efforts to bring the grade up to passing.
2. If a student is failing two subjects **during any of the academic eligibility periods as mentioned above** ~~in any five week marking period~~, the student has two weeks to bring at least one of the subjects up to a passing grade and the student may continue to participate. The student will contract with the teacher, coach, parent **or guardian**, and administration to bring ~~his/her~~ **the student's** grades up to passing. If, after the two weeks, the student is failing two subjects, ~~he/she~~ **the student** will be suspended from the activity until the next five or ten week marking period, whichever comes first. At that point the ineligibility continues until at least one grade is brought up to passing. Whenever a student is participating with one failing grade, the conditions set forth in item one above will be in effect.
3. If a student is failing three (3) or more subjects, the student will be declared ineligible to participate in any activity until the next five or ten week marking period, whichever comes first. At that point, the ineligibility continues until the student is passing all subjects (except that ~~he/she~~ **the student** may participate with one failing subject under the conditions set forth in item one above).

## 7<sup>th</sup> , 8<sup>th</sup> and 9<sup>th</sup> Co-and Extra – Curricular Activities

1. **Academic Eligibility (7<sup>th</sup>, 8<sup>th</sup>, & 9<sup>th</sup>) to be run using 4 Marking Periods. These Quarters would include: Mid-Mark Marking Period 1 (5 weeks) for the Fall season (start date Aug); 1st Quarter Marking Period (10 weeks) for the Winter 1 season (start date Nov), 2nd Marking Period (20 weeks) for the Winter 2 season (start date Jan) and 3rd Quarter Marking Period (30 weeks) for the Spring season (start date April).**
- ~~1. Students failing one or more core academic class(es) at the conclusion of a marking period will be placed on academic probation.~~
2. **If a student is failing one subject, during any of the academic eligibility periods as mentioned above, the student may continue to participate. Students will be allowed to participate with one failing grade, but must continue their efforts to bring the grade up to passing.**
3. **If a student is failing two core academic classes at the conclusion of ~~during an academic eligibility~~ marking period they will be placed on academic probation. Academic probation requires the student to secure an Athletic/Extra-Curricular Eligibility Report form, have their teachers complete the form, and present the information to ~~his/her~~ **the student's** coach or advisor. Students will receive instructions from their Assistant Principal on how to complete the form and how to present it to their teachers for completion.**

After receiving the Athletic/Extra-Curricular Eligibility Report form, the student can continue to participate in the extracurricular activity. Students have one week to meet with the teachers in the subject areas they are failing and complete the form with the teachers and create a plan to bring their grade up. This plan needs to be written on the form, signed by the teachers and returned to the main office within one week of receiving the form. If the form is submitted within one week, the student will continue to fully participate in the extracurricular activity. If a student does not hand in the form they will be deemed ineligible until the form is submitted.

Students will receive a copy of the completed Athletic/Extra-Curricular Eligibility Report form. After two (2) weeks from the date the initial form is submitted to the office, the student will turn in verification that they have abided by the plan created with their teachers. Failure to do so will result in suspension from performances, matches, competitions, etc. Students can continue to participate in meetings; however, failure to turn in verification that they have abided by the plan created with their teachers within four weeks from the date the initial form is submitted to the office, the student will be deemed ineligible to participate in co-and extra-curricular activities until the student turns in the verification.

4. If a student is failing three or more subjects, the student will be declared ineligible to participate in any activity until the next five or ten week marking period, whichever comes first. At that point, the ineligibility continues until the student is passing all subjects (except that ~~he/she~~ **the student** may participate with one failing subject under the conditions set forth in item one above.)

### **Communication of Eligibility Status**

Ineligibility will become effective immediately after the date grades are published in School Tool. When a student is placed on the ineligible list, Administration forwards the contract to the appropriate coach/advisor who in turn discreetly gives it directly to the student.

It is the student's responsibility to complete the Athletic/Extra-Curricular Eligibility Report form within the deadline.

## **3. Behavioral Eligibility Standards**

Student leaders and students involved in co- and extra-curricular activities are expected to abide by the applicable codes of conduct, to demonstrate respect for the rights of others, and to behave in a manner that reflects positively on themselves, their school, and their community. Specifically, students are expected to:

- a. refrain from the use, possession, sale or distribution of alcohol, drugs, and tobacco/non-tobacco and related novelty products, on or off campus, while serving as a student leader or while enrolled as a member of a co- or extra-curricular activity;
- b. demonstrate self-control and respect for others during participation in all co- and extracurricular activities and during leadership activities;

- c. respect the integrity and judgment of faculty, staff, and officials involved in the co- and extra-curricular activities;
- d. be familiar with, understand, and abide by the rules and regulations of the co- and extra-curricular activity or event;
- e. abide by any further conditions imposed by the advisors, moderators or coaches of the co- or extra-curricular activity during the periods of participation in the co- and extra-curricular activities.
- f. students are expected to abide by the standards established by the club or activity advisor, including rehearsal schedules of performance-based activities, meeting deadlines and other requirements of the activity, e.g., those related to community service.

Students who fail to meet these behavioral expectations may be suspended from their leadership positions, or from Honor Society, and from co- and extra-curricular activities, in addition to any other penalty imposed by the school or by the district.

## 4. School Attendance

Students must be in attendance for the entire school day in order to be eligible to participate in co- and extra-curricular activities or serve in leadership role activities on that day. Students who are truant or who are serving in-school suspension or out-of-school suspension will not be eligible to participate in co- and extra-curricular activities or serve in leadership role activities on that day. The principal or ~~his/her~~ **the principal's** designee or superintendent of schools may make exceptions for the following reasons:

- death or serious illness in the family;
- court appearance;
- college visitation;
- medical appointment verified by a note from the medical office personnel;
- religious observance;
- extraordinary circumstances.

## 5. Level 1 Violations

It is a violation of the Code of Conduct for Students participating in Co- or Extra-curricular activities or serving in leadership roles to:

- h. use, possess, sell or distribute tobacco/non-tobacco, ~~and~~ related novelty products and/or accessories;

**If a student is caught vaping with a nicotine charge the first time. The student must complete the Vape Educate program. While the student is completing the program, they cannot participate in co- and extra-curricular activities.**

**The student will be reinstated back into co- and extra-curricular activities once completion is verified. Once reinstated the student will receive a one (1) game/contest/match/meet/function suspension.**



If a student is caught vaping with a nicotine charge for the second time. They will have to follow the reinstatement process.

- i. use, possess, sell, distribute or be under the influence of alcoholic beverages, illegal drugs or performance enhancing substances (e.g., caffeine pills, steroids), whether legal or illegal, look-alike drugs, or drug paraphernalia on school grounds, off school grounds;

If a student is caught vaping with a THC charge. The student must complete the Vape Education program and will have to follow the athletic reinstatement process.

- j. host or remain present at events, activities or locations where minors are consuming or being served alcohol, illegal drugs or other performance-enhancing substances use, possess, or distribute firearms, weapons or explosive devices on school grounds or at school events;
- k. engage in illegal gambling activities;
- l. engage in harassing behaviors that include: verbal threats, threatening, hazing activities, bullying, cyber bullying, vandalism, intimidation, retaliation or abuse, conduct or speech based on a persons' actual or perceived race, color, weight, national origin, ethnic group religion/religious practices, disability, sex, sexual orientation, gender, or perceived gender, protected federal rights, or other personal misconduct, including, but not limited to, conduct that involves police or court action.
- m. will not engage in indecent exposure at any time or at any place

For purposes of this section, "possess" shall mean to have in one's possession or control, e.g., on one's person or in one's physical control or keeping, or to have in one's presence or close proximity.

## 6. Level 1 Violation - Consequences

If a student leader or participant in a co-or extra-curricular activity is accused of being in violation of the group's standards, the club, class, or Honor Society advisor will report the claim to the Building Principal or the Principal's designee. Following the investigation of the facts by the Advisor or building administrator, the following actions will be taken:

- Parental or Guardian notification;
- Suspension from the leadership role and/or participation in the activity until the student has been through the reinstatement process.

Both students and parent(s) and guardians may request a meeting with the Principal or the Designee to discuss the conduct violation and to discuss the parameters of the suspension and the appeal process.

## 7. Appeals and Requests for Reinstatement

Appeals of decisions pertaining to academic, behavioral and activity-specific eligibility decisions, and requests for reinstatement to eligibility in a co-or extra-curricular activity, may be submitted to the principal, who will consider such appeals and requests in consultation with appropriate

members of the faculty, including the faculty advisor of the co- or extra-curricular activity in question.

The reinstatement process requires that a student submit a written request for a meeting with the co-curricular Reinstatement Committee. The committee will consist of a minimum of three members – Principal or Assistant Principal, an Advisor, one teacher who is not affiliated with the club or group. This meeting will be held within two (2) weeks from receipt of the student's written request. Within five (5) school days, the Principal shall notify the student in writing of the decision of the Reinstatement Committee.

If the request for reinstatement to participate in or to serve as a leader is denied, the student and ~~his or her~~ **the student's** parent or guardian have the right to appeal the decision within five (5) days to the Superintendent of Schools or ~~his/her~~ **the Superintendent's** designee.

## 8. Communication of these Standards to Students and Parents

Students share in the responsibility for the maintenance and development of safe and successful school programs. Therefore, it is necessary that academic and behavioral standards be effectively communicated to students participating in such programs. Toward that end, academic and behavioral eligibility standards shall be included in school-based student handbooks. Additionally, faculty advisors to co- and extra-curricular activities are expected to review with participating students the academic and behavioral requirements of the District, as well as any additional expectations regarding participation in the particular activity.

Parents **and Guardians** are essential partners in the maintenance of safe and successful school programs. Therefore, these academic and behavioral standards shall be communicated to parents **and guardians** in a manner deemed appropriate by the individual schools.