

# Code of Conduct



## 2024-2025

**The New Paltz Central School District  
Code of Conduct  
Approved by the Board of Education 8/21/2024**

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## **I. INTRODUCTION**

The New Paltz Board of Education hopes that our students will become passionate learners who are empowered to achieve their dreams and act as good citizens of the world.

To achieve that goal, the Board strives to provide welcoming, safe, affirming, and orderly schools for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and prohibit denigration of a student's physical size/shape where all members of the school community behave with personal responsibility, give mutual respect, and accept accountability for their actions. The Board recognizes that to maintain such an environment, we must all live within certain boundaries and that inappropriate action by one person can infringe upon the rights of another. When conflicts arise, we are committed to nonviolent resolutions that encourage personal growth, responsibility and that treat each individual with respect and dignity.

This Code of Conduct describes the behavior that the Board expects from all members of the school community, identifies interventions if those standards are not met, and establishes procedures to ensure that discipline, when necessary, is prompt, fair and effective. New Paltz Central School District promotes a preventive, positive approach to discipline rather than focusing exclusively on "punishment." We respond to misbehavior with interventions and consequences aimed at teaching alternative expected positive behaviors, understanding, and addressing the root causes of the behavior, resolving conflicts, meeting students' needs, keeping students safe and keeping students in school.

We promote a restorative approach that emphasizes relationships and community coexisting with rules and regulations. Restorative discipline helps students understand the impact of their behavior on both themselves and others. Students also learn social and emotional skills to help them respond differently in the future. Using restorative discipline, we resolve conflicts, encourage our school community members to take responsibility for their behavior, repair any harm done, restore relationships, and reintegrate students into the school community.

We are committed to applying school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, LGBTQIA+ students, students with limited English proficiency, or other at-risk students that have been historically marginalized in schools.

### **Beliefs about Children, Learning and Discipline**

1. All students are capable of becoming their personal best with guidance, explicit instruction, support, and coaching. Students' needs are different, and may vary in amounts of time, attention and supports needed for them to behave responsibly, succeed academically, and achieve at high levels. Early recognition of students' social-emotional needs will help promote a positive learning environment.
2. All discipline is designed to include a continuum of student abilities in our school community and ensure that students have the social emotional skills to do so. We understand that behavior is a form of communication. We seek to understand communication to best design an effective discipline response.
3. Students are more likely to do the right thing when they understand the positive behaviors expected of them, feel that staff members care about them and will help them learn and grow, and all school staff consistently use the shared language and practices.

## II. RIGHTS AND RESPONSIBILITIES

### Students

<b>All students have a right to:</b>	<b>Students have the responsibility to, and are held accountable for:</b>
A free education that will prepare them for active citizenship in a democracy.	Attend classes, arrive on time, observe school rules and work for satisfactory achievement.
Expect to be provided with an education that is intellectually challenging and relevant to the demands of the 21st century.	Take advantage of the education that is offered by putting forth effort, completing assignments and attending school, prepared to learn on a regular and punctual basis.
A safe and secure environment that promotes learning.	Refrain from violence, possessing and/or using drugs, harassing others in school or on social media. Notify an adult of the presence of drugs, alcohol, weapons, harassment and other violent acts or threats of violence.
Speak and be heard.	Listen to others.
Have the opportunity to take part in any school activity.	Participate and support others in school events.
Be treated with courtesy and respect.	Be courteous and respectful.
Freedom from bullying, harassment and other abuse or discrimination based on, for example, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and prohibit denigration of a student's physical size/shape.	Speak up about and refrain from bullying, harassment and other abuse or discrimination based on, for example, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and prohibit denigration of a student's physical size/shape.
Academic and emotional support.	Ask for help when it is needed, and offer help to peers when needed.
Express themselves through their choices in clothing.	Adhere to the school dress code.
Communicate thoughts and beliefs that do not interfere with the rights of others or school operations.	Show consideration for people whose beliefs differ from their own.
Assemble peacefully.	Get permission from appropriate school personnel before assembling.
Learn strategies that develop cooperation, acceptance, and conflict resolution.	Use cooperative solutions. Be accepting of others' beliefs and behavior.
Be informed of school policies and rules and be provided with an explanation of school rules.	Read and abide by the Code of Conduct.

## Parents/Guardians

Parents/Guardians have a right to:	Parents/Guardians have the responsibility to:
Be actively involved in their children’s education.	Convey to their children a supportive attitude toward education and the school community, including but not limited to arriving on time, communicating with their children regarding their academic and extra-curricular choice, providing a place for study and supporting that homework assignments are completed, checking student cell phones and social media status.
Be treated courteously, fairly and respectfully by all school staff and Principals.	Be respectful and courteous to staff, other parents/guardians and students while on school premises. Communicate concerns and disagreements to faculty and staff in a respectful manner and follow the appropriate chain of communication.
Receive timely information about the policies of the New Paltz Central School District and procedures that relate to their child’s education.	Read and be familiar with the policies of the Board of Education, administrative regulations and procedures, and the New Paltz Code of Conduct, and help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment. Recognize, respect, and comply with District policies, including this Code of Conduct, while on school property or at a school function.
Receive regular reports, written or oral, from school staff regarding their children’s academic progress or behavior, including but not limited to attendance, report cards, behavior progress reports and conferences.	Send their children to school ready to participate and learn. Ensure that their children are dressed and groomed in a manner consistent with the student dress code. Inform school officials of changes in the home situation that may affect student attendance, conduct or performance.
Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by Principals or school staff.	Be familiar with the Code of Conduct to understand procedures and possible consequences.
Receive timely communication about their child’s daily and cumulative absences and the impact on their educational progress.	Ensure their children attend school regularly and on time and that absences are explained. <b>Provide accurate and updated emergency information.</b>

All school personnel are expected to:

- Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, and prohibit denigration of a student’s physical size/shape which will strengthen each student’s positive self-image;
- Recognize that education is a joint responsibility between the parents/guardians and the school community;
- Teach common courtesies by precept and example;
- Treat students in an ethical, responsible and nondiscriminatory manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example;
- Immediately report and refer violent students to the Principal or Superintendent of Schools;
- Address issues of harassment (including bullying and cyberbullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function and inform the DASA Coordinator of the concern;

- Address personal biases that may prevent equal treatment of all students and staff;
- Align practice with professional guidelines;
- Maintain confidentiality in accordance with federal and state law.

**Teachers** are also expected to:

- Be prepared to teach by making sure lessons are engaging, differentiated, and founded on best practices;
- Deliver curriculum that is aligned to the New York State Standards, Social Emotional Learning Benchmarks, and New York State’s Culturally Responsive-Sustaining Framework;
- Demonstrate interest in teaching and concern for student achievement;
- Know school policies and rules, and enforce them in a fair and consistent manner;
- Communicate to students and parents/legal guardians:
  - Course objectives and requirements.
  - Marking/grading procedures.
  - Assignment deadlines.
  - Expectations for students, both academic and behavioral;
- Communicate regularly with students, parents/legal guardians and other teachers concerning growth and achievement;
- Read, understand and comply with a student’s IEP, §504 Plan and Behavior Intervention Plan (BIP);
- Comply with state law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- Maintain confidentiality in accordance with federal and state law.

**Dignity Act Coordinators** are also expected to:

- Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students regardless of, for example, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, and prohibit denigration of a student’s physical size/shape;
- Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources;
- Coordinate training in support of the District’s policies: Dignity for All Students (7550), Sexual Harassment of Students (7551), Student Gender Identity (7552) and Hazing of Students (7553);
- Be responsible for monitoring and reporting on the effectiveness of the District’s Bullying Prevention and Intervention Policy;
- Maintain confidentiality in accordance with federal and state law.

**Building administrators** are also expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students;
- Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances;
- Ensure that students and staff receive training in the Code of Conduct;
- Support the development of student participation in appropriate extra-curricular activities;
- Be responsible for communicating expectations and for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly;
- Evaluate all instructional programs on a regular basis;
- Evaluate student attendance and tardiness regularly and make recommendations, as needed, to the Superintendent to increase attendance;
- Empower and create success for all students;
- Maintain confidentiality in accordance with federal and state law.

**The Superintendent and District administrators** are also expected to:

- Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students;
- Review with administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
- Inform the Board about educational trends relating to student behavioral interventions;
- Work to create instructional programs that maximize student learning and performance by engaging students and staff in meaningful academic exercises;
- Work with administrators in enforcing the Code of Conduct, the Dignity for All Students Act, and ensuring that all cases are investigated properly and resolved promptly and fairly;
- Ensure all school personnel receive annual mandated trainings;
- Maintain confidentiality in accordance with federal and state law.

**Members of the Board of Education** are also expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of *individuals to create an invigorating learning community*;
- Adopt and review at least annually the District Code of Conduct to evaluate the code's effectiveness in addition to the fairness and consistency of its implementation;
- Lead by example by conducting Board meetings in a professional, respectful, courteous manner;
- Maintain confidentiality in accordance with federal and state law.

### **III. DIGNITY FOR ALL STUDENTS ACT**

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance, enhance student social emotional well-being, and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing and intimidation. The District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct that is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and prohibit denigration of a student's physical size/shape by school employees or students on school property or at school-sponsored events/activities that take place on or off of school property. In addition, any act of discrimination or harassment outside of school-sponsored events, including cyberbullying, which can reasonably be expected to materially and substantially disrupt the educational process, where it is foreseeable that the conduct might reach school property, may be subject to discipline.

#### **DIGNITY ACT COORDINATORS**

District Dignity Coordinator	Dr. Linda Oehler-Marx, Deputy Superintendent loehlermarx@newpaltz.k12.ny.us	845-256-4032
Duzine Elementary School	Dr. Melissa Jean-Paul, Principal mjeanpaul@newpaltz.k12.ny.us	845-256-4393
Duzine Elementary School	Llajaira Dessereau, Elem. Assistant Principal ldessereau@newpaltz.k12.ny.us	845-256-4035
Lenape Elementary School	Sean Inglee, Principal singlee@newpaltz.k12.ny.us	845-256-4303
Lenape Elementary School	Llajaira Dessereau, Elem. Assistant Principal ldessereau@newpaltz.k12.ny.us	845-256-4035
New Paltz Middle School	TBD, Assistant Principal TBD@newpaltz.k12.ny.us	845-256-4206
New Paltz Senior High School	Kathleen Schneck, Assistant Principal kschneck@newpaltz.k12.ny.us	845-256-4106

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner of Education to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender, and gender presentation. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender, and gender presentation; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents/legal guardians by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents/legal guardians to students before the beginning of each school year; and
- c) Providing it to parents/legal guardians in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents/legal guardians will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and

- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.
- f) The District will provide parents/legal guardians and students with a method of communicating to their school via their signature that they have read and understand the Code of Conduct.

If a DAC vacates their position, the District will immediately designate an interim DAC, pending approval from the Board within thirty (30) days. In the event a DAC is unable to perform their duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, cyberbullying and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, cyberbullying and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, cyberbullying and discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents/legal guardians. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

### **Reports and Investigations of Harassment, Bullying, Cyberbullying and/or Discrimination**

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents/legal guardians whose children have been subjected to this behavior; other students who have observed or have been told of this behavior; and all District staff who have become aware of this behavior to timely report it to the Principal, Superintendent, DAC, or designee.

The Principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints. The findings of the initial investigation may be appealed to the Superintendent in writing, by either the target or the accused within ten (10) days of receipt of the findings. If the Superintendent conducted the initial investigation, the findings may be appealed to the Board of Education. The Superintendent's findings may be appealed to the Board of Education, by either the target or the accused within ten (10) days of receipt of the Superintendent's findings. The Board's findings may be appealed to the Commissioner of Education by either the target or the accused within thirty (30) days of receipt of the Board's findings.

Where necessary, the District will take immediate steps to protect the person harmed pending the final outcome of an investigation, including academic accommodations and other interim measures. These measures may include altering academic or bus schedules for either the person harmed or the alleged person who caused the harm, changing locker

locations, allowing the complainant to withdraw from or retake a class without penalty, providing an escort to ensure that the person harmed can move safely between classes or other activities, and providing academic support (e.g., tutoring).

In the event any investigation verifies that harassment, bullying, cyberbullying and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, through restorative justice and restorative circles, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, Principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

### **Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, cyberbullying or discrimination by an employee or student, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

## **IV. BEHAVIOR CONCERNS, VIOLATIONS, INTERVENTIONS AND ACCOUNTABILITY**

### **DETERMINING DISCIPLINARY RESPONSES**

In determining how to best address behaviors that take away from a safe and welcoming school environment (inappropriate, unacceptable, and unskillful behaviors), it is necessary to evaluate the totality of the circumstances surrounding the behavior. The following facts must be considered prior to determining the appropriate assignment of consequences and interventions:

- the student's age and maturity
- the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct)
- the disciplinary actions and interventions applied in prior behavior violations
- the nature, severity and scope of the behavior
- the circumstances/context in which the conduct occurred
- the frequency and duration of the behavior
- the number of persons involved in the behavior
- the student's IEP, BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable
- the student's response to intervention

Differentiated responses to disciplinary problems are embedded within four levels of just and equitable practices under which all students are treated fairly with respect, dignity and decency and without favor toward or prejudice against any one group of students according to ability, talent, age, gender/ gender identity/ gender expression, developmental and acquired disabilities, race and ethnicity, socio-economic status, religious and spiritual orientation, national origin and home language, sexual orientation, and indigenous heritage.

### **LEVELS OF BEHAVIOR CONCERNS, VIOLATIONS AND RESPONSES**

LEVEL 1 incorporates universal school wide and classroom practices that promote the development and practice of pro-social behaviors, self-discipline, habits of learning, and healthy wellbeing. Through observation and immediate responses, teachers aim to prevent minor discipline problems from becoming major disciplinary incidents.

LEVEL 2 involves targeted interventions and accountability when a student's behavior violation warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. Interventions can include detentions or in-school suspension.

LEVELS 3 and 4 involve behavior violations that seriously jeopardize school and classroom safety and order. Students who are experiencing high-risk or pervasive behavioral, academic, and physical and mental health concerns are assigned more intensive, individualized interventions.

In practical terms, this means that:

- All opportunities and interventions must be accessible to every student, including students with disabilities.
- Interventions and accountability must be consistently applied across all groups of students with fidelity and integrity.
- Data must be transparent to determine the use and impact of all interventions and accountability, paying particular attention to indicators of overuse and disproportionality of suspension among various student groups.

### **RESPONSES AND INTERVENTIONS**

#### **Level 1 Behavior**

#### **Classroom Interventions and Responses**

These interventions aim to interrupt unsuccessful behaviors and teach skills so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff.

- positive directives that state expectations
- positive and specific feedback
- re-teaching and rehearsal of skill or procedure
- verbal prompt, redirection and/or correction
- reminders and redirection
- student/teacher conference
- use of restorative chat
- restorative conference
- family conference
- create a classroom check-in plan
- reflection activity
- other evidence-based student specific strategies
- contact parent/guardian

### **Student Support Team Interventions and Responses**

These interventions aim to engage the student's support system at school and at home to enhance success by working to change the conditions that contribute to student's unsuccessful behaviors. They can involve school staff and partner and community agency staff.

- reflection activity
- mentoring
- mediated conflict resolution conference
- referral to school-based health or mental health providers
- restitution plan
- referral to community organization

### **Level 2 Behavior**

#### **Classroom Interventions and Responses**

These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.

- positive directives that state expectations
- positive and specific feedback
- re-teaching and rehearsal of skill or procedure
- verbal prompt, redirection, and/or correction
- student/teacher conference
- use of restorative chat
- restorative conference
- family conference
- create a classroom check-in plan
- reflection activity
- other evidence-based student specific activities
- restitution and/or restorative strategies
- collaborate with families
- collect progress monitoring data about the behavior and the interventions attempted

- referral to DASA coordinator
- restorative practices strategies

### **Administrative Level and Student Support Team Interventions and Responses**

These interventions can involve support staff or administration when needed and are designed to correct behavior by addressing the seriousness of the behavior while keeping the student in school.

- reflection activity
- mentoring
- referral to school-based or mental health providers
- restitution plan
- referral to community organization
- utilize support staff assessment
- administration and/or support team conference
- individualized case management for students with 504 plans or IEPs
- referral and coordination with community based supports
- in-school suspension for up to 2 days

### **Level 3 Behavior**

#### **Classroom and Support Team Interventions and Responses**

If a student is removed from the learning environment, teachers/staff are expected to:

- provide instruction for the student, and this may include working with a tutor
- have a student/teacher conference
- have restorative conference
- create a classroom check-in plan
- employ restitution/restoration strategies
- collect progress monitoring data about the behavior and interventions tried
- initiate a student-centered discussion about the incident
- create, implement and monitor a transition plan for students returning to the classroom

#### **Intensive Administrative Level and Support Team Interventions and Responses**

These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior. This is not a progressive list, but rather a variety of interventions that could be utilized. Rather, the intervention must meet the severity of the offense.

- mediated conflict resolution conference
- referral to school-based health or mental health providers
- restitution plan
- utilize support staff assessment
- administration/support team consultation
- individualized case management for students with 504 plans and IEPs
- referral and coordination with community based supports
- in-school suspension up to 3 days
- informal conference with Principal and student
- family/student/school team conference
- referral to IST to explore behavioral interventions
- develop Functional Behavioral Assessment and Behavior Intervention Plan
- possible denial of bus transportation

- up to 3 days out-of-school suspension (or more with Superintendent approval)
- up to 3-day suspension from transportation (or more with Superintendent approval)

#### **Level 4 Behavior**

##### **Classroom and Support Team Interventions and Responses**

If a student is removed from the learning environment, teachers/staff are expected to:

- provide instruction for the student, and this may include working with a tutor
- initiate a student-centered discussion about the incident
- create, implement and monitor a transition plan for student returning to classroom, restorative circle
- plan for classmates as student returns

##### **Intensive Administrative Level and Support Team Interventions and Responses**

These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

- Mediated conflict resolution conference
- Restitution plan
- Family/Guardian notification of due process rights and informal conference with Principal and student Referral to school-based health or mental health providers
- Develop Functional Behavioral Assessment and Behavior Intervention Plan
- Individualized case management for students with 504 plans or IEPs
- Referral and coordination with community based supports
- Up to 5 day Out-Of-School suspension with request for Superintendent's hearing to request long-term suspension/ alternative placement
- Develop, implement and monitor Transition Plan
- Up to long-term suspension from transportation

#### **A. Pre-Kindergarten through Grade 2**

Aggressive behavior in young children is rarely an intentional act to harm another. Rather, aggressive acts are often a result of children's attempts to communicate what they want, what they need, and what they do not like. When a child engages in an aggressive act that threatens or harms others or makes the learning environment feel unsafe, special procedures need to be in place so that both children involved in the incident (the child who has been threatened or hurt and the child who has engaged in the aggressive act) receive immediate attention and care.

Parents/legal guardians can expect that these actions will take place:

- A staff person may temporarily remove the child who has engaged in the aggressive act immediately without the use of corporal punishment or restraint (unless the restraint is aligned to the guidance provided under the law). This removal will help the child regain a sense of calm so that the staff member can speak with the child about the incident.
- A staff person will speak to the child who has been threatened or harmed immediately to ensure that the child has an opportunity to talk about the incident and to help the child regain a sense of safety.
- Parents/legal guardians of children involved in the incident will be contacted and school staff will explain what happened before the incident, share how adults responded to the incident, discuss the short-term plan for restoring a sense of calm and safety, and discuss the longer-term plan for preventing similar incidents in the future.

## SUSPENSION OF STUDENTS PRE-K THROUGH GRADE 2

If a student in grades PK-2 engages in pervasive or serious aggressive acts that cause injury or threaten children's safety in the classroom, the Principal can determine the most appropriate interventions and request out-of-school suspension. Any suspension of a PK-2 student requires the permission of the Superintendent. The Principal must also immediately provide written notification to the Superintendent. In addition, an intervention plan must be developed. All reasonable steps are to be taken to involve parents in the development of the intervention plan to support their child's success.

### **B. Grades 3 through 12**

These policies apply to all students, grades 3-12, including all students with IEPs and 504 plans. Multiple incidents or chronic violations of the same behavior will warrant more intensive interventions and a higher level of accountability. Please see the Glossary for more detailed behavior descriptions.

The interventions and accountability that are aligned with each level represent a menu of responses. Teachers and administrators can select one or more responses in each level. Administrators, teachers, and student support teams are not expected to select and use all interventions in each level. Administrators, teachers, and student support teams may also use a lower-level intervention when it is appropriate. They will strive to match students with interventions that are the least intensive, while being the most effective. Interventions will be progress monitored and adjusted based on student response.

## SUSPENSION OF STUDENTS IN GRADES 3-5

If a student in grades 3-5 engages in pervasive or serious aggressive acts that cause injury or threaten children's safety in the classroom, the Principal can determine the most appropriate interventions up to and including out-of-school suspension. The Principal must immediately provide written notification to the Superintendent upon suspension. A suspension of more than two days requires a consultation with the Superintendent. In addition, an intervention plan may be developed. All reasonable steps should be taken to directly involve parents/legal guardians in the development of the intervention plan to support their child's success.

### **C. Students with Disabilities**

#### Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply:
  - a. A "suspension" means a suspension pursuant to Education Law § 3214.
  - b. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - c. An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

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

#### Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury.

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

1. The District's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that

constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents/legal guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The Superintendent, building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
    - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - (2) the parent of the student has refused services; or
    - (3) the parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner's Regulations.
3. The District shall provide parents/legal guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents/legal guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/legal guardians of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities, subject to a suspension of more than five school days, shall be bifurcated into a guilt phase and a penalty phase, in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school

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

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

#### Expedited Due Process Hearings

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

#### Referral to law enforcement and judicial authorities

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent may transmit copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported only to the extent that transmission is permitted by FERPA.

#### Section 504/Title II ADA Disability

If a student has been suspended for more than a total of 10 cumulative days, or if a Superintendent's Hearing is to be held to expand a 5-day suspension, for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter “§504”) or Title II of the Americans with Disabilities Act (hereinafter the “ADA”), the §504 multi-disciplinary committee (hereinafter the “§504 committee”) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The record of subject discipline to be imposed shall be expunged. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.
3. Students with a recognized 504/ADA disability who are currently illegally using drugs or using alcohol may be disciplined regardless of their disability status in the same manner and to the same extent as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made or made but in the affirmative.

**D. Levels of Behavior Concerns, Violations, and Responses**

**Grades 3-12**

<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<p><b>Classroom support and student support team</b>            May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions have not been put in place</p>	<p><b>Intensive support staff and appropriate administration</b>            May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others In-school suspension may be used up to 2 days (or additional days with Superintendent approval)</p>	<p><b>Short-term suspension</b>            May be appropriate given the seriousness of the offense and impact on the school community, and/or when documented interventions and supports have been put in place but the behavior is escalating Out-of-School suspension may be used up to 3 days</p>	<p><b>Request for long-term or permanent suspension</b>            May be appropriate when behavior is illegal, presents an imminent threat of serious harm to the school community, or when the student’s behavior seriously affects the safety of others in the school and/or educational process Out-of-school suspension may be used up to 5 days (or more pending a Superintendent's hearing)</p>

<b>Behavior Violation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
<b>Absences</b>					
Occasional refusal to attend class	X	X			Classroom teacher will inform social worker/attendance personnel  Possible attendance discussion with parents and administration
Persistent or excessive refusal to attend class		X			
Persistent or excessive absences from school	X	X			
<b>Academic Dishonesty</b>					
Plagiarism, copying another's work, cheating or altering records. Students should be transparent about their use of Artificial Intelligence tools in their work	X	X			Student may receive a failing grade for assignment
<b>Arson</b>					
Starting a fire			X	X	Building Principals must contact the fire department for any and all unwanted fires
Starting a fire causing destruction or property				X	
<b>Attack on Student</b>					
Attack on student with injury			X	X	DASA Investigation should be considered. Student should be advised by the school nurse to seek outside medical attention
Attack on student with serious bodily injury				X	
<b>Bomb Threat</b>					
Making threats or providing false information about the presence of explosive materials or devices on school property			X	X	Building administrators must contact law enforcement
<b>Bullying - Verbal, Physical and Electronic</b>					
Conduct (including verbal, physical or written conduct) or electronic communication that is threatening	X	X	X	X	DASA Investigation may be necessary
Persistent and repeated incidents of bullying or cyberbullying targeted at the same person or group		X	X	X	
Very serious incidents that are seriously harmful or personally damaging to the person who is targeted				X	

Behavior Violation	1	2	3	4	Notes
Classroom Distraction					
Throws objects without physical injury to others	X	X			Level 1 interventions must be documented before a Level 2 response is considered  Short-term removal from class may be necessary to preserve the educational process
Talking out in class or talking out of turn	X	X			
Makes excessive, distracting, or disruptive movements or noises	X	X			
Damage to Personal or School Property					
Minor damage (less than \$50)	X	X			Restitution may be requested
Damage to another person's or school property (\$50 to \$500)		X	X		
Damage to another person's or school property (over \$500)			X	X	
Electronic Devices					
Unapproved use of cell phones, handheld mobile devices, electronic game devices, and other similar items	X	X			Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police
Use of electronic devices that lead to the threat of harm to another person		X	X	X	DASA investigation may be warranted
Recording or publishing a fight		X	X		
Use of electronic devices for which it is determined that such use directly causes physical or emotional harm to another person			X	X	
Recording, sharing, or publishing another person's image/likeness/voice without their consent			X	X	
Failure to surrender cellphone or other electronic device to teacher, school staff, or administrator when required to do so		X	X		School staff have the right to confiscate devices being used without permission
False Activation of a Fire Alarm					
Intentional false activation of fire alarm				X	If the fire alarm is activated the fire department must be notified and they have jurisdiction until event/ source is investigated
Unintentional activation of fire alarms through activities such as vaping, smoking, etc.				X	

<b>Behavior Violation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
<b>Fighting/Physical Altercation</b>					
Physical aggression with another student		X	X	X	DASA Investigation may be warranted
Physical altercation or fighting which causes the Principal to initiate emergency procedures and may prevent large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, or poses a serious and grave threat to the safety of large numbers of students, such as a threat of substantial bodily harm to students			X	X	
Physical altercation or fighting with serious bodily injury				X	
Persistent/excessive physical altercation or fighting			X	X	Repeated fights in spite of one or more parent/guardian meetings and intervention plans, counseling and/or mentoring
<b>Gambling</b>					
Requires the use of money or exchangeable goods	X	X	X	X	
<b>Hallway Misbehavior</b>					
Running, making excessive noise, loitering, or persistent hall-walking, sharing lockers/combinaton, littering	X	X			
<b>Harassment Based on Race, Ethnicity, Gender/Gender Identity/Gender Expression, Sexual Orientation, Disability or Religion, Including Cyber-harassment, Against Members of the School Community</b>					
Harassment	X	X	X	X	DASA Investigation may be warranted
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted				X	

Behavior Violation	1	2	3	4	Notes
Inciting or Participating in a Disturbance					
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption			X	X	A large disturbance is defined as a disruption that may cause the Principal to initiate emergency procedures. It may prevent large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, or poses a serious and grave threat to the safety of a large group of students
Using an electronic device to bring others to initiate or engage in a disturbance		X	X	X	
Leaving Classroom or School without Permission/Cutting Class					
Leaving classroom without permission	X	X			
Leaving school without following school procedures			X	X	Parent/Legal guardian must be immediately notified
Cutting Class	X	X	X		
Non-Compliance					
Failure to comply with school rules, regulations, policies, or procedures	X	X	X	X	Nonviolent/nonphysical
Failure to follow reasonable directions	X	X			
Failure to respond to school staff directives, questions, or requests	X	X			
Parking/Driving violations					
Parking without having/displaying a permit			X	X	Denial of driving privileges to/from campus is a likely result for a violation of a parking/driving rule
Going to vehicle without permission			X	X	
Driving unsafely/speeding on school grounds			X	X	
Driving to BOCES/other school functions without administrative permission			X	X	
Failure to allow vehicle to be searched by administrators upon request			X	X	
Frequently arriving late to school after driving a private vehicle to school			X	X	

<b>Behavior Violation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
<b>Physical Contact</b>					
Unintentional physical contact with school personnel or student	X	X			
Unintentional physical contact with school personnel or student that leads to serious bodily injury		X	X	X	
Unintentional striking of a staff member or student who is intervening in a fight or other aggressive behavior	X	X	X		
Intentional physical contact on school personnel or student			X	X	
Unwanted touching, poking, pushing, shoving or physical intimidation of school personnel or student		X	X	X	
<b>Public Space Misconduct</b>					
Public space misconduct		X	X	X	Serious public space misconduct is defined as conduct which prevents others from moving through spaces, disrupts the educational process for students and/or poses serious threat to the safety of large numbers of people
<b>Robbery</b>					
Taking money or property from another by force or intimidation			X	X	
<b>Participating in Unsafe Behavior</b>					
Intentionally and/or carelessly performing actions that harm or reasonably could harm oneself or others	X	X	X	X	
<b>School Safety and Physical Security</b>					
Failure to provide school ID upon request	X	X			
Permitting an unauthorized person or item to enter a school building by opening and/or propping an exterior door or window			X	X	
Permitting an unauthorized person or item to enter a school building by opening, and/or propping an exterior door which causes the Principal to initiate emergency procedures				X	

Behavior Violation	1	2	3	4	Notes
Sexual Offenses on School Property or School-Sponsored Events					
Sexual assault on school property or school-sponsored events				X	School staff is required to refer students to appropriate counseling and to the Title IX Officer/Investigator. Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police
Sexual harassment (e.g., inappropriate, visual verbal or written conduct of a sexual nature, through electronic or non-electronic means) on school property or school-sponsored events			X	X	
Sexual harassment (e.g., inappropriate physical conduct of a sexual nature) on school property or school-sponsored events			X	X	
Sexual misconduct (e.g. engaging in sexual activity, etc.) on school property or school-sponsored events			X	X	
Substances - Banned, Illegal or Prohibited by Age (including any vaping, tobacco, marijuana or alcohol)					
Possession		✗	X	X	School staff is required to refer student for appropriate substance abuse counseling. School nurse must be notified immediately if child is thought to be under the influence
Using/Under the influence		✗	X	X	
Purchasing, distribution or selling			X	X	
Possession of Paraphernalia				X	
Tardiness					
Excessive tardiness to school	X	X	X		
Excessive tardiness to class	X	X	X		
Technology Acceptable Use Violation					
Violation of NPCSD Technology Acceptable Use Policy including using devices inappropriately or when not allowed as well as damaging devices owned by the school. School devices should be used for educational purposes only	X	X	X	X	Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police

Behavior Violation	1	2	3	4	Notes
Theft					
Under \$500		X	X		Restitution
Over \$500			X	X	
Threat Against School Personnel, Written or Verbal					
Verbal or written threat against school personnel or school community			X	X	
Verbal Aggression Against School Personnel					
Name calling, insults, making inappropriate gestures, symbols, or comments, or using profane or offensive language	X	X	X		
Confrontational and aggressive arguing	X	X	X		
Confrontational or aggressive arguing that repeatedly impacts the school environment and persists after interventions have been put in place			X	X	Documented Intervention
Misleading or giving false information to school staff	X	X	X	X	
Weapons, Firearms, Explosives					
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code; e.g., handguns, rifles, shotguns, and bombs)				X	Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by the Superintendent of Schools
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, <i>Orbeez</i> type weapons, <i>Nerf</i> type weapons, etc.)				X	
Possession of weapons (knife, mace, etc.)			X	X	
Possession of weapons with intent to commit harm and/ or disrupt the school environment				X	
Instruments or objects used as weapons with intent to cause injury				X	
Explosives (possession, sale, distribution, detonation, or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substance or articles, other than a firearm)				X	

## E. Dress Code

All students and staff should show healthy and respectful attention to their personal cleanliness and clothing. Adults/employees should model and reinforce acceptable dress for students.

A person's dress is a reflection of our school, community, parents/legal guardians, faculty, staff and students. All students are expected to adhere to the Dress Code while on school property or any school activity or event.

**The Primary Purpose of the Dress Code is to maintain a safe learning environment for all students and to ensure that all students are treated equitably regardless of actual or perceived race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.**

The Goals of the Dress Code are:

- Ensure the ongoing participation of students/staff in the school and not result in unnecessary barriers to participation
- Allow students to wear clothing of their choice that is comfortable
- Allow students to wear clothing that expresses their self-identified gender
- Allow students to wear religious attire without fear of discipline or discrimination
- Prevent students from wearing clothing or accessories with offensive images or language, including, but not limited to, profanity, curses, vulgarity, obscenity, hate speech, lewdness and pornography
- Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs or related paraphernalia or other unlawful or illegal conduct or activities
- Prevent students from wearing clothing or accessories that do, or are reasonably foreseen to interfere with the operation of the school or that do, or are reasonably foreseen to, disrupt the educational process
- Prevent students from wearing clothing or accessories that are, or reasonably can be construed as being or including content that is racist, or that reasonably can be construed as containing fighting words or speech that incites others to imminent lawless action, defamatory speech, or true threats to others

### Basic Principles:

1. Certain body parts must be covered at all times. Clothes must be worn so that genitals, buttocks, and nipples are fully covered with opaque fabric. All items listed in the "must wear" and "may wear" categories must meet these basic principles.
2. All attire must support a safe learning environment for all.

Classes that include attire as part of the curriculum, may include assignment-specific attire, but should not focus on covering bodies in a specific way or promoting culturally specific attire.

Must wear attire that is consistent with the Basic Principles as specified previously in this document:

- Shirt (with fabric in the front, back and the sides under the arms), AND
- Pants/jeans/skirt or the equivalent (for example, sweatpants, leggings, shorts) OR
- Dresses (with fabric in the front, back and sides under the arms), and must follow the basic principle that certain body parts must be covered at all times (genitals, buttocks, and nipples must be fully covered with opaque fabric)
- Shoes, including, but not limited to, boots, slides, flip flops, heels.

May wear attire that is consistent with the Basic Principles as specified previously in this document:

- Hats as long as the entire face is visible
- Cultural or religious headwear or cultural or religious attire
- Hoodie sweatshirts, as long as entire face is visible to school staff (except for cloth/paper masks being worn for medical reasons)

- Fitted pants, including leggings, yoga pants and skinny jeans
- Pajamas, consistent with Basic Principles and Goals, set forth above
- Ripped jeans as long as underwear and buttocks are not exposed
- Tank tops, including spaghetti straps and tube tops
- Athletic attire
- Visible waistbands on undergarments or visible straps on undergarments worn under clothing.

The following, although not an exhaustive listing, are deemed inappropriate, either because they interfere with the health and safety of our students or staff, or are disruptive to the educational process.

- Violent language or images on clothing
- Images or language depicting drugs or alcohol on clothing
- Hate speech, profanity or pornography on clothing
- Images or language that creates a hostile or intimidating environment based on any protected class or historically marginalized group on clothing.
- Swimsuits, except as required in class or athletic practice/performance
- Accessories that could be dangerous or can be used as a weapon
- Any item that obscures the face or ears, except as a religious observance

#### Enforcement

To ensure effective and equitable enforcement of the Dress Code, school staff shall enforce the Dress Code consistently and shall not have the discretion to vary the requirements in ways that lead to discriminatory impact. Any student found to have violated the Dress Code may be asked to put on their own alternative clothing, if available, or may be given temporary school clothing to comply with the Dress Code for the remainder of the day. If necessary, students' parents/legal guardians may be called to bring alternative clothing for the student to wear.

It is essential that students not be shamed or required to display their bodies in front of others in school.

Shaming includes but is not limited to:

- Kneeling or bending over to check attire fit
- Measuring straps or skirt length
- Asking students to account for their attire in front of others
- Calling out students in open spaces in front of others about perceived Dress Code violations
- Asking students to correct sagging bra straps or pants
- Accusing students of distracting other students with their clothing

Students and/or parents/guardians at the Middle/High School level should contact the Principal, Assistant Principal, or any member of the counseling staff to discuss any concerns related to the Dress Code.

Students and/or parents/guardians at the Elementary schools should contact the Principal, Assistant Principal, the social worker or school psychologist to discuss any concerns related to the Dress Code.

#### **F. Cell Phones/Chromebooks**

Elementary Schools:

1. Cell phones must be powered off upon entering the building and remain off for the entirety of the school day.
2. Cell phones must be in student backpack or cubby for the entirety of the school day including lunch and recess.
3. Any device that functions like a cell phone must follow the same guidelines.
4. Parents/legal guardians and students take full responsibility for cell phones, smart watches, earbuds, and any other personal device that is missing or damaged.
5. Cell phones are not permitted to be used at any school-sponsored event during the school day including, but not limited to, field trips, concerts, and sports.

6. Students cannot access a cellphone during the school day without administrative permission.
7. Teachers and staff members have the right to confiscate cell phones that are being used.

#### Middle School:

1. Cell phones must be powered off upon entering the building and remain off for the entirety of the school day.
2. The powered off cell phones must be in your locker for the entirety of the school day including lunch and recess
3. Any device that functions like a cell phone must follow the same guidelines
4. Parents/legal guardians and students take full responsibility for cell phones, smart watches, earbuds, headphones, and any other personal device that is missing or damaged.
5. Cell phones are not permitted to be used at any school-sponsored event during the school day including, but not limited to, field trips, concerts, and sports.
6. Chromebooks are not permitted in the cafeteria and during recess
7. Teachers and staff members have the right to confiscate cell phones that are being used
8. Students cannot access a cellphone during the school day without administrative permission.
9. No personal headphones (wireless or not) are allowed to be worn/used during the school day.

#### High School:

Classroom teachers and study hall teachers have the right to create and enforce cell phone policies in their classrooms. Cell phone limitations in the classroom may range from a complete ban on cell phones to allowing the use of cell phones for educational purposes. Cell phones should not be used for entertainment purposes in classes or in study halls. Students may not use cell phones in the hallways or in the lavatories while class is in session. Special permission to use the phone outside of the room during class may be granted by the teacher in case of emergency.

Teachers must clearly explain their classroom cell phone policies and include them on their course syllabi so that students and parents fully understand them. Classroom policies and procedures should include personal headphone (wireless or not) use in their classroom. Students are required to follow all classroom cell phone policies. Teachers and study hall monitors have the right to confiscate cell phones that are being used in violation of classroom rules.

Students may use cell phones between periods, during lunch, before and after school, and on school transportation. If listening to music with headphones or earbuds, one of the individual's ears must remain unblocked at all times so that they can hear people talking to them and so that they can hear safety announcements.

### **G. High School/Middle School Extracurricular Activity Guidelines**

All students are urged to participate in one or more activities. It is possible for students to form a new club or activity if enough students are interested, if a faculty member is approved by the Board of Education and if space and facilities can be provided. The Extracurricular Eligibility Guidelines will be enforced. The intention of Extracurricular Eligibility is to establish a clearly defined process for early identification, notification, intervention, and remediation on behalf of students facing difficulties with academics, attendance or behavior.

Extracurricular activities operate as adjuncts to the academic curriculum and are an integral part of our educational program. Participation in these activities is highly encouraged; however, this can occur only if students exhibit academic success, comply with the District Code of Conduct, and exhibit excellent attendance. Athletic team participants will also be required to follow the guidelines in the Athletic Handbook.

*These eligibility standards are in keeping with our academic mission and are meant to encourage students to give their best to each other and themselves.*

### **Three areas are identified for high performance:**

1. Academic Achievement
2. Attendance
3. Behavior

The intention of the Extracurricular Eligibility guidelines are to establish a clearly defined process for early identification, notification, intervention, and remediation on behalf of students facing difficulties in any of these areas so that they can continue to participate in extracurricular activities and contribute to the school community.

### **Eligibility**

To be eligible to participate in extracurricular activities, a student must meet the following criteria in three areas: academic, attendance, behavior.

Academic – A student is expected to maintain a passing grade in all subject areas for which they are registered.

**Students who fail two or more courses will be deemed ineligible.**

Attendance – A student must maintain an excellent attendance record.

Conduct– The New Paltz Code of Conduct must be upheld

Consequences for confirmed infractions involving tobacco, alcohol, and drugs are as follows:

Use or Possession of Tobacco or Vaping Devices (including but not limited to smokeless tobacco, e-cigarettes and electronic smoking devices)

- 1<sup>st</sup> Offense – Minimum suspension of 1 week from the activity (team)
- 2<sup>nd</sup> Offense – Removal from the activity (team)

Use or Possession of Alcohol/ Controlled or Illegal Substances

- 1<sup>st</sup> Offense – Minimum suspension of 2 weeks from the activity (team). Students will be assessed by the Nurse and must participate in the recommended counseling program. Failure to participate in the assessment and counseling program will result in removal from the activity (team).
- 2<sup>nd</sup> Offense – Removal from the activity (team). Athletes must meet with the Athletic Director prior to participation in another activity (sport). For other extracurriculars, students must meet with the Principal or Assistant Principal.

Selling, Distributing or Providing of Alcohol

- 1<sup>st</sup> Offense – Removal from the activity (team). Athletes must meet with the Athletic Director prior to participation in another activity (sport). For other extracurriculars, students must meet with the Principal or Assistant Principal.

Use or Possession of Illegal Drugs, Drug paraphernalia and/or Prescription Medications without a physician's orders

- 1<sup>st</sup> Offense – Minimum suspension of 2 weeks from the activity (team). Students will be assessed by the Student Assistance Counselor and must participate in the recommended counseling program. Failure to participate in the assessment and counseling program will result in removal from the activity (team).
- 2<sup>nd</sup> Offense – Removal from the activity (team). Athletes must meet with the Athletic Director prior to participation in another activity (sport). For other extracurriculars, students must meet with the Principal or Assistant Principal.

Selling, Distributing or Providing of Illegal Drugs and/or Prescription Medications

- Removal from the activity (team). Athletes must meet with the Athletic Director prior to participation in another activity (sport). For other extracurriculars, students must meet with the Principal or Assistant Principal.

If it becomes apparent to the Administration that the CONDITIONS for PLAY are being broken but the individual violators cannot be identified, the Administration reserves the right to forfeit athletic contests, or cancel the season.

## Assessment of Eligibility

The academic records of all students participating in extracurricular activities will be reviewed at the end of each five-week marking period to assure compliance with the guidelines outlined in this document. In an effort to ensure full participation in extracurricular activities by interested students, assistance will be offered to any student who is struggling to meet the standards with regard to behavior, attendance, or academics, as set forth in these guidelines.

## Notification of Ineligibility

A student and his or her parents/guardians will be notified of his or her eligibility status ONLY if such status is in jeopardy at the close of each five-week marking period.

## Appeal Process

This policy recognizes the importance of partnerships between the student, teacher, coach, advisor, and parent or guardian. At any point, a student or parent/guardian can initiate an appeal to the Assistant Principal to ensure fairness to the student involved, as provided in the New Paltz Code of Conduct.

## Conditions of Ineligibility

### Academic

Eligibility is determined at the end of each five-week marking period. Any student who fails two or more subjects at the end of any five-week report, or at the end of any marking period, is considered to be ineligible and in academic jeopardy, and will be placed on Ineligibility. However, the student is given an opportunity to re-establish academic eligibility if s/he pursues the terms of the Eligibility Contract as outlined below. A student who chooses this option will be allowed to practice and/or perform in scheduled events even while engaged in the Academic Intervention process.

A student placed on academic intervention is ineligible if they:

- Do not complete an Eligibility Contract within two weeks of notification.
- Do not comply with their Eligibility Contract once drawn up.
- Receives two or more failing grades for the same two or more classes on the next report card or five-week report.
- This student will be declared ineligible to participate in all extracurricular activities until academic eligibility is met. (If a student is now passing the initial failed classes, but two or more others are being failed, students will receive another contract and will be assigned AIS).
- Are failing two or more subjects at the end of a school year and do not correct failures over the summer during summer school. If a student makes no attempt during the summer to remediate their grades, the student will be ineligible for fall activities and will be placed on first quarter academic intervention as of September 1<sup>st</sup> of the new school year. The situation will be reviewed at the end of the first five-week marking period.
- Are deemed ineligible if they are failing and drop two (2) failed courses from the previous 10-week marking periods.

### Attendance

Eligibility is determined on a quarterly basis. However, on each day of an event the Assistant Principal and/or Athletic Director will review the attendance sheet to determine eligibility. An event is defined as a game, practice, rehearsal, performance, club meeting or trip, etc. **STUDENTS MUST BE IN ATTENDANCE BY 2<sup>ND</sup> BLOCK/PERIOD TO PARTICIPATE IN ALL EXTRACURRICULAR ACTIVITIES.**

A student is deemed ineligible if they:

- Have an absence on the day of any event.
- **Have four (4) unexcused tardies to school in any quarter.** This constitutes one verified referral for eligibility purposes.
- **Have more than 20 excused or unexcused absences, until an attendance conference is held with the**

## **Principal.**

### Behavior

BEHAVIOR IS CUMULATIVE FROM SEPTEMBER THROUGH JUNE. Two verified Code of Conduct behavior referrals will make a student ineligible for all extracurricular activities for the period of one week exclusive of vacation, starting at the time s/he is declared ineligible. If a student receives a third verified penalty referral the student will be ineligible for three consecutive weeks; after a fourth verified referral the student will serve five weeks, all referrals thereafter will result in five concurrent weeks of ineligibility. Student behavior referrals will carry over to the next school year in the form of a behavior contract. Students will return in September with a probationary period of the length of their carry over period. Students with no infractions throughout probation will be given a fresh start at the end of probation. Students who incur a Code of Conduct referral will immediately be placed on a 5-week extracurricular suspension.

### **Consequences of Ineligibility**

An ineligible student may not participate in extracurricular activities or any other school sponsored activity, on or off school grounds, and which are not open to the general public. Examples include:

- All interscholastic sports
- After-school clubs
- Trips (recreational)
- Plays and musicals
- Dances
- Senior Ball
- Junior Prom
- Yearbook

Exempted events are course-required events and school-sponsored activities open to the general public.

### **Regaining Eligibility**

Eligibility may be regained when a student:

#### Academic

- Completes an Eligibility Contract within two weeks of notification of ineligibility;
- Complies with the terms of an Eligibility Contract and seeks extra help in the identified academic areas. If an ineligible student reduces the number of failures to only one in any quarter, they may regain eligibility for that quarter.

#### Attendance and Behavior

In any quarter, once a student has been deemed ineligible as a result of a violation of the Attendance Guidelines or the Behavior Code, they are ineligible for the duration of the consequence.

### **Academic Intervention: The Eligibility Contract**

Purpose – The Eligibility Contract is meant to provide assistance for those students in academic jeopardy through an Academic Intervention process and is offered to all students facing academic ineligibility.

#### Duration

Students with an Eligibility Contract will remain on academic intervention until the beginning of the next five-week reporting period at which time their status will be reviewed. Full compliance with Academic Eligibility (and Attendance and Behavior Rules outlined in this policy), as well as weekly review will extend eligibility to the end of the probationary period (5 weeks). At that time, when the newest grades are issued, the student in question will be given complete eligibility or declared ineligible and must withdraw from extracurricular activity.

### Student requirement

As long as students continue to seek out and receive help under the terms of their Eligibility Contract, they may participate fully. The student is required to seek extra help throughout the academic intervention period and is responsible for documenting his or her compliance with the Eligibility Contract.

### Terms of the Eligibility Contract

- Must be completed within two weeks of notification or student will be declared ineligible for the remainder of the quarter.
- Is drawn between the student, teacher(s), and parents/guardians.
- Outlines the remedial action to be taken.
- Supports student efforts to regain eligibility by providing feedback on student progress.

### Contents of the Eligibility Contract

- Student name, parent/guardian names and telephone numbers.
- List of all subjects the student is failing.
- List of faculty directly involved, including their telephone numbers and office hours.
- Outline generated by the teacher(s) involved stating the remedial action to be taken.
- Signatures of the teacher(s), student, and parents/guardians.

### Filing procedure

The completed and signed contract must be returned to the Assistant Principal who will hold the document. A copy of this contract will be held by the student, the parent/guardian and the Main Office.

### Progress Report

Progress Reports must be filed weekly. Brief statement(s) on the progress report confirm that the student is getting extra help in the subject area(s). Full compliance with Academic Eligibility (and Attendance and Behavior Rules outlined in these guidelines), as well as weekly review will extend eligibility to the end of the five week-marking/reporting period. When the newest grades for that marking period are issued, the student in question will be given complete eligibility or declared ineligible and must withdraw from extracurricular activity.

## **Outline of Responsibilities**

### Student Responsibilities

As long as students continue to seek out and receive help under the terms of their Eligibility Contract, they may participate fully. The student has a two-week time limit to file the contract and begin seeking extra help. Failure to do so will result in immediate ineligibility. The student is responsible for documenting his or her compliance (as agreed upon by the teacher(s)) with the Eligibility Contract.

## **H. Reporting Violations**

Each individual in the school community has the responsibility to report code violations that he or she witnesses. Violations involving weapons, alcohol or illegal substances/drugs must be reported immediately. Students should report violations to the building Principal or a school counselor, social worker, teacher or any adult they trust. Adults should report violations in accordance with District Policy 7310. When code violations break not only school policy but also the law, the school Principal or designee must promptly notify the appropriate law enforcement agency.

## V. DISCIPLINARY RESPONSES, PROCEDURES AND REFERRALS

Students who are to receive interventions other than an oral warning, written referral or written notification to their parents/legal guardians are entitled to additional rights before the consequence is imposed. These additional rights are explained below:

- 1) **Detention:** Teachers, building administrators, Principals and the Superintendent may impose after-school detention where removal from the classroom or suspension would be inappropriate. Detention will be imposed only after the student's parent/legal guardian has been notified and the student has appropriate transportation home following detention. In some cases, lunch detentions will be assigned in place of or in addition to after school detentions. Students who are serving an after school detention will not be able to participate in any after school activities on the day they serve their detention. Students who do not show up for a scheduled lunch detention will be assigned an after school detention that day. Students who fail to show up for a scheduled after school detention will be assigned an in school suspension on the next school day.
- 2) **Suspension from Transportation:** Bus drivers should inform building Principals and the director of transportation about any serious behavior problems. In such circumstances, the Principal can suspend the student's bus privileges, and the student's parents/legal guardians will be responsible for providing or arranging timely and safe transportation to and from school. If the parents/legal guardians cannot provide such transportation, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214 but the student and/or the student's parents/legal guardians will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension from transportation to discuss the conduct and the intervention prior to the suspension being imposed.

- 3) **In-School Suspension:** The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom. Therefore, the Board authorizes building Principals or designee and the Superintendent to place students, who would otherwise be suspended from school as the result of a Code of Conduct violation in, "in-school suspension." The in-school suspension room will be under the supervision of a NPCSD teacher or teacher's aide.

A student subjected to an "in-school suspension" is not entitled to a full hearing pursuant to Education Law §3214. However, the student and/or the student's parents/legal guardians will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the consequence involved prior to the suspension being imposed.

Students who are assigned an in-school suspension and who fail to serve that suspension as assigned will be required to serve their in-school suspension during the next school day.

- 4) **Teacher removal of disruptive students:** A student's behavior can undermine a teacher's ability to teach and other students' ability to learn. Teachers can usually control behavior by using good classroom management including, in some cases, briefly removing the student from the classroom by, for example, giving the student a break or with a school administrator, social worker or school counselor. Such techniques do not constitute disciplinary removals for purposes of this code.

However, when a student substantially disrupts the educational process or interferes with the teacher's classroom authority by persistently refusing to comply with the teacher's instructions or repeatedly violating classroom rules, the teacher may send the student to the office for the remainder of the period or until such time as an administrator addresses the issue and brings the student back to class. If a teacher sends a student to the office, they should immediately call the office so administration will know that the student is coming.

If a student poses an ongoing disruption to the educational process in a particular classroom, the teacher may request that the student be removed from the classroom for additional days.

The Principal will consider all teacher requests for student removal from class, keeping in mind the importance of the rights of the students in the classroom to be able to learn without distraction as well as what is best for the offending student. Students who pose a danger to other students, the teacher(s), and/or themselves will immediately be removed from the classroom until the situation has been addressed and resolved.

If the disruptive student is being removed from the classroom for any period of time (beyond being sent out of class), the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may the student be removed from class for an additional amount of time.

Within 24-hours after the student's removal, the Principal or another District administrator designated by the Principal must notify in writing the student's parents/legal guardians that the student has been removed from the class, why they have been removed from class, and for how long they will be removed from class. The notice must also inform the parents/legal guardians that they have the right, upon request, to meet informally with the teacher and/or the Principal or the Principal's designee to discuss the reasons for the removal.

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

If an informal conference is requested, in most cases the teacher and the Principal will attend the discussion. The Principal or the teacher must explain why the student was removed and give the student and the student's parents/legal guardians a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parents/legal guardians and the Principal.

The Principal or the Principal's designee may overturn the student's classroom removal if they determines that:

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

No student removed from the classroom by the teacher will be permitted to return to the classroom until the Principal makes a final determination or the period of removal expires, whichever comes first.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. It is the responsibility of the classroom teacher to provide instruction/educational materials to the student while they are suspended from the classroom, and to ensure that the student has the preparation they need to ensure a successful return to the classroom as soon as possible.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no student with a disability should be removed from his or her class (other than being sent out of class) until it has been verified by 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.

- 5) **Suspension from School:** Suspension from school may be imposed only upon students who are insubordinate, disorderly, disruptive or violent, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

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

- a. **Short-term (5 school days or less) Suspension from School:** When the Superintendent or Principal (the “suspending authority”) proposes to suspend for five school days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must explain the basis for the proposed suspension. The suspending authority must also notify the student’s parents/legal 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 24 hours of the decision to propose suspension at the last known address for the parents/legal guardians. Where possible, notice should also be provided by telephone if the school has a contact phone number.

The notice shall provide a description of the alleged incident and the charges against the student and inform the parents/legal guardians of their right to an informal conference with the Principal and their right to question complaining witnesses at the informal conference. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/legal guardians. At the conference, the parents/legal guardians shall be permitted to ask questions of complaining witnesses under procedures established by the Principal.

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/legal guardians in writing of his or her decision. If the parents/legal guardians wish to pursue the matter, they must file a written appeal to the Superintendent within thirty calendar days of the Principal’s decision, unless they can show extraordinary circumstances preventing them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/legal guardians are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District clerk within 30 calendar days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances preventing them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the Board’s decision.

- b. **Long-term (more than 5 school days) Suspension from School:** When the Superintendent or building Principal determines that a suspension for more than five school days may be warranted, he or she shall give reasonable notice to the student and the student’s parents/legal guardians of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, question witnesses against him or her, and present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record. If a hearing officer is designated, the hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all, any or none thereof.

An appeal of the decision of the Superintendent must be made to the Board that will make its decision based solely upon the hearing record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 days of the date of the Superintendent’s decision, unless the parents/legal guardians

can show that extraordinary circumstances preclude them from doing so. The Board may adopt, in whole or in part, or may reject or modify the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the Board's decision.

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

## **Referrals**

1. **Counseling:** The Social Worker, School Counselor, Nurse, and/or School Psychologist shall meet with the student to provide in-school supports, as well as handle referrals of students to appropriate human service agencies such as counseling and social services.
2. **PINS Diversions and Petitions:** The District may file a PINS (person in need of supervision) Diversion or Petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possessing marijuana or any substances determined to be illegal under state or federal laws, in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.
3. **Juvenile Delinquents and Juvenile Offenders:** The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before Family Court:
  - any student under the age of 16 who is found to have brought a weapon to school, or any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42)
  - Any student aged 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42) who has been found to have brought a weapon to school to the appropriate law enforcement authorities.

## **VI. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful and safe environment that is conducive to learning. All persons on school property or attending a school function, whether on or off school property, shall conduct themselves in a respectful and orderly manner.

No person, either alone or with others, while on school property or attending a school function, shall:

- Intentionally injure or threaten to injure any person.
- Intentionally damage or destroy school property or the property of others, or remove or use such property without authorization.
- Disrupt the orderly conduct of classes, school programs and activities.
- Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of, for example, actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation or disability, prohibit denigration of a student's physical size/shape or any other discriminatory reason.
- Harass, which includes a sufficiently severe action, or a persistent, pervasive pattern of actions or statements (verbal, by electronic or other means), an identifiable individual or group, which is intended to be, or which a reasonable person would perceive, as ridiculing or demeaning.
- Intimidate, which includes engaging in actions or statements that put an individual in fear of bodily harm, including threats.
- Enter any school property without authorization or remain in any school premises after it is closed.
- Obstruct the free movement of any person.
- Violate traffic laws, parking regulations or other vehicle restrictions.
- Possess, consume, solicit a sale, sell, buy, distribute or exchange alcoholic beverages, any form of tobacco including but not limited to, cigarettes, smokeless tobacco, e-cigarettes and electronic smoking devices, or controlled substances (including but not limited to synthetic drugs such as synthetic cannabinoids), or be under the influence of the above.
- Possess, display or use weapons (unless specifically authorized by the District).
- Loiter, gamble, litter or spit.
- Refuse to comply with reasonable directives of school officials while they are performing their duty.
- Willfully incite others to commit any acts prohibited by the Code of Conduct.
- Violate any federal or state law, local ordinance or Board policy.

The building Principal or his or her designee shall be responsible for enforcing the conduct required by this Code. When the building Principal or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or their designee shall tell the individual that the conduct is prohibited and direct the individual to stop. The Principal or their designee shall also warn the individual of the interventions for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or their designee shall have the individual removed immediately from school property, school device or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate disciplinary action against any student, staff member or visitor, as appropriate, in accordance with the "Interventions" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **VII. POLICIES**

### **A. STUDENT ATTENDANCE**

The District is an active partner with students and parents/legal guardians in the task of ensuring that all students meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) Increase school completion for all students;
- b) Raise student achievement and close gaps in student performance;
- c) Identify attendance patterns in order to design attendance improvement efforts;
- d) Know the whereabouts of every student for safety and other reasons;
- e) Verify that individual students are complying with education laws relating to compulsory attendance;
- f) Determine the District's average daily attendance for state aid purposes.

The District believes that classroom participation is related to, and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period, a certain percentage of a student's final grade could be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc., as determined by the building administrator or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the middle school/senior high school level, any student with more than 20-absences in a course (10 for a half-year course) may be denied credit for the course. Excused and unexcused absences will both count toward the 20-absence limit (or 10 for a half-year course). The District will send home periodic letters to the parents/legal guardians of chronically absent students notifying them of the days of absence. Students and their parents/legal guardians who are nearing the 20 or 10 absent limits will be invited to an attendance conference where all extenuating circumstances, including doctor's notes will be considered.

Please see the entire Student Attendance Policy (7110) in the appendix of this document.

### **B. STUDENT SEARCHES AND INTERVIEWS**

The Superintendent shall establish regulations regarding personal searches and interrogations of students, with due regard for the needs of parental knowledge and involvement, in accordance with this policy and the law.

1. **Student searches:** Involuntary personal searches of students and their possessions shall only be conducted by the police, unless there is a serious and immediate threat as well as reasonable suspicion for a search by school personnel. In that case, the Board authorizes the Superintendent of Schools, building Principals and Assistant Principals to search students and their possessions for illegal materials, matters which otherwise constitute a threat to the health, safety, welfare or morals of students attending our schools and matters that violate this code. Searches that require removal of clothing other than outer coats and jackets will be conducted only if the school attorney or, in his or her absence, the school Superintendent, determines that such a search is justified.

Such searches must conform to state and federal laws, and must be based on reasonable individualized suspicion and must be reasonable in scope. The reasonableness of the search will depend upon the:

- Student's age, gender, and school history and record.

- Seriousness and nature of the alleged infraction.
- Urgency of an immediate search.
- Reliability of the information used to justify the search and the likelihood that the search will produce evidence that the student is violating a law or this code.

Students must be told by school administration that school desks, lockers, storage spaces and computers belong to the School District, not the student, and thus may be opened and inspected from time to time by school officials without student permission. However, school officials will respect the privacy of such spaces as much as possible.

2. **Questioning of Students by School Officials:** School officials have the right to conduct investigations and question students regarding any violations of school rules and/or illegal activity. The student’s parents/legal guardians may be contacted depending upon the nature and reasoning for the questioning and the necessity for further action that may result. However, there is no right for a student’s parents/legal guardians to be contacted while school officials are investigating violations of this code.

School officials are not required to give students “Miranda warnings” prior to questioning them.

The questioning of students by school officials does not preclude subsequent questioning by law enforcement as otherwise permitted by law.

3. **Questioning of Students by Law Enforcement:** It is the policy of the District to cooperate with law enforcement agencies. While law enforcement do not have general power to interview children in school, or to use school facilities in connection with law enforcement work, law enforcement may enter the schools of the District if a crime has been committed on school property, they have a warrant for arrest or search or if they have been invited by school officials.

When law enforcement has properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. When a student is under the age of 16 and law enforcement are present for an interview or investigations, school officials must make every reasonable effort to notify the student’s parents/legal guardians, unless law enforcement indicate that such interview concerns a student’s parents/legal guardians or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect.

4. **Child Protective Services Investigations:** Child Protective Services may in some cases desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse, maltreatment or neglect. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the student and that the Department of Social Services worker’s job can best be accomplished by conducting the interview without the school official present.

## B. SCHOOL VISITORS

The Board encourages parents/legal guardians and other community members to visit our schools to observe the work of students, teachers and other staff. All visitors must first report to the office and obtain authorization for being on school premises. The building Principal or their designee is responsible for all persons in the building and on the grounds.

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.

2. All visitors to the school must report to the sign in desk upon arrival at the school. There they will be required to sign the visitor's register, show identification and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the sign-in desk before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents/legal guardians or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Principal(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. Law enforcement may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **VII. DISSEMINATION AND REVIEW OF CODE**

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

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

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents/legal guardians, students, and any other interested parties may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption. The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website.

The school District will educate the community about this Code of Conduct by:

- Providing a summary of the code to all students and parents/legal guardians at the beginning of each school year.
- Providing the code to all students and parents/legal guardians at the beginning of each school year.
- Providing copies of the code, including any amendments, to all school personnel as soon as practical after adoption.
- Providing new employees with a copy of the code when they are hired.
- Providing copies of the code to any student, parent/legal guardian, or community member who asks for one.

### **Publication of District Policy**

At least once during each school year, all District employees, students, and parents/legal guardians will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents/legal guardians, and District employees may report harassment, bullying, cyberbullying or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

### **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

## VIII. GLOSSARY

**Academic Dishonesty** Includes plagiarism; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member.

**Arson** Starting a fire or destruction of property as a result of starting a fire.

**Attack on Student** A student or students set upon another student in a forceful, hostile or aggressive way with or without provocation.

**Behavior Violations** Student behaviors that are inappropriate (not appropriate in school setting), unacceptable (not acceptable in any setting), or unskillful (behavior not yet learned or behavior demonstrated unskillfully) that warrant predictable and timely interventions and consequences.

**Bomb Threat** The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging.

**Bullying** Repeated intentional acts done willfully, knowingly and with deliberation, by individuals or an individual, that target and harm another person physically or emotionally. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. Because the act of bullying involves repeated actions intended to target, intimidate, or harm an individual, it is different from a one-time "Attack on Student."

**Child Pornography** Sexually explicit images of children (younger than 17 years of age).

**Color** The term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Consequence** A result that follows from an action or condition.

**Cutting Class** Unauthorized absence from a mandatory class or school activity or function.

**Denial of Bus Transportation** The temporary or permanent withholding of bus transportation.

**Denial of Driving Privileges** The removal of permission to drive on school property for a specified period of time.

**Dignity Act Coordinator** An employee designated by the Board who ensures full compliance with the Dignity for All Students Act and also refers to designated Dignity Act Coordinators in every school who coordinate and manage all written documentation, processing, school actions and interventions involved in enforcing the Dignity for All Students Act.

**Disability** A student with a disability means a student as defined in section 4401(1) of the Education Law, who because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the District.

**Discipline** A system of rules of conduct, training, practice, and instruction that supports and sustains positive behaviors and self-discipline.

**Discrimination** Discrimination against any student by a student or students and/or employee or employees on School Property or at a School Function, including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity/ gender expression, sex, or any other protected class.

**Distribution** Transfer possession of banned or illegal substances to another person with or without an exchange of money

**Electronic Bullying or Harassment** The use of information and communication technologies - email, cell phones, chat rooms, text messages, instant message, personal website or blogs, or a combination of these or any other electronic means - to support deliberate, repeated and hostile behavior by an individual or group with the intention of physically or psychologically intimidating and/or harming others. Electronic bullying or harassment includes, but is not limited to, the following misuses of technology:

- harassing, teasing, intimidating, threatening, or terrorizing another student by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs);
- sending mean, vulgar or threatening messages or images;
- posting sensitive, private information about another person;
- pretending to be someone else in order to make that person look bad.

Electronic bullying or harassment involving District students may occur on school property, or off school property. Off school property where such acts create or would foreseeably create a risk of substantial disruption within the school

environment. It may involve student use of the District internet system, or student use of personal digital services including, but not limited to, cell phones, digital cameras, personal computers and electronic tools. Incidents considered to be electronic bullying or harassment can have any of these effects:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to, or loss of, personal property; and/or
- Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in District programs.

**Electronic Technology Devices** and equipment such as cell phones, Chromebooks, computers and tablets.

**Emotional Harm** In the context of harassment or bullying, this means harm to a student's emotional well-being through the creation of a hostile school environment that is severe or pervasive as to unreasonably and substantially interfere with a student's education.

**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 New York State 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 (Education Law §11 (4) and §1125(3)).

**Ethnic Group** A group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry

**Fighting** Displaying or engaging in violence, combat or aggression.

**Gambling** Participation in games of chance, including, but not limited to, card playing for money and/or other things of personal value.

**Gender** The socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women (masculine and feminine denote "gender"); actual or perceived sex; and includes a person's gender identity or expression (Education Law §11(6)).

**Gender Expression** The way in which we each express gender identity to others through behavior, clothing, haircut, voice and other forms of presentation.

**Gender Identity** The way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal, and is not necessarily visible to others.

**Hallway Misbehavior** Willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms. Hallway misbehavior includes, but is not limited to:

- Bringing in unauthorized pets or animals
- Shoving, horseplay, play-fighting
- Clustering in groups in ways that impede the movement of students from one place to another
- Making unreasonable and excessive noise
- Obstructing vehicular traffic or pedestrian movement
- Running in hallways
- Running away when school staff member is asking a direct question or making a direct request to a student
- Unauthorized presence in any prohibited school area.

**Harassment** The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Conduct, verbal and non-verbal threats, intimidation or abuse are considered to be acts of harassment when these actions are based on a person's actual or perceived race, color, class, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity/ gender expression or sex (Educational Law §11(7)). The Code applies to acts of harassment: (a) On school property; (b) At a school function; (c) Off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Hazing** A specific form of harassment among students that is defined as any humiliating or dangerous activity expected of a student, in order to join a group or be accepted by a formal or informal group, regardless of the student’s 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:

- Humiliation: socially offensive, isolating or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
- Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors. The term “hazing” includes, but is not limited to:
  - any activity that intimidates or threatens a student with ostracism, or adversely affects the health or safety of the student;
  - any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or District policies/regulations.

**Illegal Drugs/ Illegal Substances/Banned Substances** Include, but are not limited to, alcohol, inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, controlled substances, any substances commonly referred to as designer drugs or synthetic drugs, look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others, and any product which, when misused, may result in an impaired or altered state; banned or illegal substances also include any paraphernalia related to these substances.

**Inciting or Participating in a Disturbance** Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot.

**Injury** Sought or was advised by the school nurse, to seek medical attention and can provide documentation.

**Interventions** Specific programs, strategies, restorative conferencing protocols, skill-building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

**Material Incident of Harassment, Bullying, and/or Discrimination** A single verified incident or a series of related verified incidents where a student is subject 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. A Material Incident of Harassment, Bullying and/or Discrimination is the subject of a written or oral complaint to the Superintendent, Principal or their designee, or other school employees. 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/ gender identity/ gender expression, sex or any other legally protected status.

**National Origin** A person’s country of birth or ancestor’s country of birth.

**Non-Authorized or Inappropriate Use and Misuse of School Equipment, School Materials, and Electronic Devices** including:

- Misuse of Technology: Any situations in which a student or students deliberately tamper with, damage, alter, access, crash, or corrupt the computer or communications system for a class, school or the District, resulting in the loss or corruption of information, or the ability of the system to operate, or in any way disrupts or degrades the school or District’s technology infrastructure.
- Computer Misuse: Any unauthorized or inappropriate use of computers, including the Internet, specific programs or hacking (i.e., sharing of obscene, pornographic- including transmission of child pornography, lewd or illegal images or photographs, unauthorized use of computers, software, or Internet/intranet accounts, accessing inappropriate websites).
  - Non-Authorized Use and Misuse of Electronic and Other Devices: This includes the non-authorized use of any of the following on school premises during the school hours of any school day: electronic communication devices, cellular phones, pocket pagers, laser pointers, personal music devices (MP3 players, etc.), electronic games and other materials designated by staff as disruptive or potentially disruptive.

- **Misuse** includes, but is not limited to, texting, sexting, blogging, verbal comments, graphic and symbolic communication, written communication via email, instant messaging, blogging, and posting in web sites. Students may not engage in electronic communication that demeans or ridicules on the bases of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity/ gender expression, or any other legally protected status (electronic bullying).

**Paraphernalia** The term drug paraphernalia refers to any equipment that is used to produce, conceal, and consume illicit drugs.

**Parent** The biological, adoptive, or foster parent or guardian OR a person of record in parental relation to a student.

**Persistent** Repeated over a period of days after interventions have been implemented and given ample time to be effective.

**Physical Aggression** Behavior causing or threatening physical harm towards others, including but not limited to, hitting, kicking, biting, and shoving.

**Public Space Misconduct** Willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms.

Public space misconduct can be classified as serious and includes, but is not limited to:

- Bringing in unauthorized pets or animals
- Shoving, horseplay, play-fighting
- Clustering in groups in ways that impede the movement of students from one place to another
- Making unreasonable and excessive noise
- Obstructing vehicular traffic or pedestrian movement
- Unauthorized presence in any prohibited school area.
- Unauthorized/dangerous use of a motor vehicle.
- More than one individual in a single-use bathroom or bathroom stall.

**Race** A group of persons related by a common descent or heredity; For purposes of enumeration, the U.S. Census Bureau uses terms such as: “White/Caucasian,” “Black/African American/African Descent,” “Asian,” “Bi-racial,” “Hispanics/Latinos,” etc. to describe and classify the inhabitants of the United States.

**Religion** Either religious or spiritual belief or preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.

**Religious Harassment** A negative opinion or verbal expression toward an individual or group of persons who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs.

**Religious Practice** Attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities. Determining whether a practice is religious turns not on the nature of the activity, but on the person’s motivation.

**Restitution** Replacing item(s) that were stolen or damaged by providing fair market value by way of compensation or service.

**Robbery** Taking money or property from another by force.

**Rules** An explicit set of enforceable regulations or principles that govern or guide conduct. They provide specific instructions about what to do and not to do in specific contexts; thus, rules are stated using either positive or negative language. Typical school rules provide direction for personal deportment: What you may wear; what you may bring to school; where you can go and when you can go there. Rules foster a sense of order, calm, and purposefulness, prerequisites for establishing a learning-focused culture.

**School Bus** Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. Education Law §(1) and Vehicle and Traffic Law §142.

**School Function** Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. Education Law §11(2).

**School Property** Outside grounds, all structures, and any space within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

**Serious Bodily Injury** A serious physical injury which requires hospitalization or treatment in an emergency room or physician's office and includes, but is not limited to, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving a risk of death or disfigurement.

**Serious Public Space Misconduct** See Persistent and Public Space Misconduct.

### **Sexual Offenses**

Sexual Assault Physical sexual act by force or threat of force against a staff member or another student, including inappropriate touching.

Sexual Harassment Unwelcome sexual advances, requests for sexual favors, taking or sending sexually explicit videos, pictures or auditory recordings or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others. The sexual harassment offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.

Sexual Misconduct, which includes, but is not limited to, physical touching of intimate body parts of another or one's self. Consensual acts of intimacy are not appropriate in an educational setting and are prohibited.

**Sex** The biological and physiological characteristics that define men and women (Male and Female denote "sex").

**Sexual Orientation** The sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both gender/ gender identity/ gender expression is characterized as bisexual or pansexual. Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11(5)).

**Student Work Associated With Removal From Class** When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs and 504 plans have additional protections that may require full IEP implementation, not just homework packets.

**Tardiness** Arriving late to school or class.

**Theft** Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use: Robbery, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon; Theft/possession/transfer of stolen goods, which includes the act of possessing or transferring the property of another without the consent of the owner.

**Tobacco** Means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco- or nicotine-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products, and smokeless tobacco in any form.

**Under the Influence** Altered physical and/or mental state after consuming banned or illegal substances.

**Unintentional** Not intentional or deliberate; accidental.

**Using or possessing** Consuming banned or illegal substances or in possession of these substances on school property or at school functions.

**Weapon** A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, sandbag or sand club, loaded or blank cartridges, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death. Any look-alikes, fake or toy weapons are considered a weapon for the purposes of this definition.

**Weight** Reference to a person's size.

## Appendix: Attendance Policy

### Policy 7110 – COMPREHENSIVE STUDENT ATTENDANCE

#### Statement of Overall Objectives

The District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) Increase school completion for all students;
- b) Raise student achievement and close gaps in student performance;
- c) Identify attendance patterns in order to design attendance improvement efforts;
- d) Know the whereabouts of every student for safety and other reasons;
- e) Verify that individual students are complying with education laws relating to compulsory attendance;
- f) Determine the District's average daily attendance for state aid purposes.

#### Description of Strategies to Meet Objectives

The District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness, or early departure of each student.
- c) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- d) Develop early intervention strategies to improve school attendance for all students.

#### Determination of Excused and Unexcused Absences, Tardiness, and Early Departures

Based upon the District's education and community needs, values, and priorities, the District has determined that absences, tardiness, and early departures will be considered excused or unexcused according to the following standards:

- a) **Excused:** An absence, tardiness, or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, or other reasons as may be approved by the Board.

- b) **Unexcused:** An absence, tardiness, or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping).

A written excuse, signed by a parent or person in parental relation should be presented by the student when returning to school following each absence.

### **Student Attendance Record Keeping/Data Collection**

The record of each student's presence, absence, tardiness, and early departure will be kept in a register of attendance in a manner consistent with Commissioner's regulations. An absence, tardiness, or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance will be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade 5 (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), the student's presence or absence will be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence will also be recorded after the taking of attendance a second time upon the student's return from lunch. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students in grades K through 12 must be recorded on a subject by subject basis for Teacher of Record Determinations.
- b) For students in grades 6 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence will be recorded after the taking of attendance in each period of scheduled instruction.
- c) Any absence for a school day or portion thereof will be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from grades K through 12 arrives late for, or departs early from, scheduled instruction, the tardiness or early departure will be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record will be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or other cause as may be found satisfactory to the Commissioner of Education.

Attendance records will also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information will be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness, or early departure will be coded on a student's record in accordance with the established District or building procedures.

### **Student Attendance and Course Credit**

The District believes that classroom participation is related to, and affects, a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period, a certain percentage of a student's final grade could be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc., as determined by the building administrator or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the middle school/senior high school level, any student with more than 20 absences in a course (10 for a half year course) may be denied credit for the course. Excused and unexcused absences will both count toward the 20 absence limit (or 10 for a half year course). The District will send home periodic letters to the parents of chronically absent students notifying them of the days of absence. Students and their parents who are nearing the 20 or 10 absent limits will be invited to an attendance conference where all extenuating circumstances, including doctor's notes will be considered.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working under an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity must arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school-sponsored events will not be counted as an absence.

#### Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents or persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the denial of course credit to the student for insufficient attendance, the following guidelines will be followed:

- a) Copies of the District's Comprehensive Student Attendance Policy will be available to parents or persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.

- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent or student handbooks or posted on the District website.
- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent or person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his or her ability to receive course credit. If the parent or person in parental relation cannot be reached by telephone, a letter will be sent detailing this information.
- d) A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness, or early departures. Further, appropriate student support services within the District, as well as the possible collaboration or referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

### **Notice of Students who are Absent, Tardy, or Depart Early Without Proper Excuse**

A designated staff member will notify by telephone the parent or person in parental relation to a student who is absent, tardy, or departs early without proper excuse. The staff member will explain the District's Comprehensive Student Attendance Policy, the District's or building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent or person in parental relation cannot be reached by telephone, the staff member will provide the notification by mail. Further, the District's Attendance Policy will be mailed to the parent or person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent or person in parental relation, a school conference will be scheduled between the parent or person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

### **Chronic Absenteeism**

Chronic absenteeism is defined as missing at least 10% of enrolled school days in a year for any reason, excused or unexcused. Chronic absenteeism differs from truancy because it emphasizes missed instructional time rather than unexcused absences. Missed instructional time can increase a student's risk for disengagement, low achievement, and dropping out, among other things.

Students who miss at least 5% of enrolled school days in a year are at risk of becoming chronically absent. In light of this, the District will implement intervention strategies for students who miss 5% or more of the enrolled school days in a year.

### **Attendance Incentives**

In order to encourage student attendance, the District will develop and implement grade-appropriate or building-level strategies and programs including, but not limited to:

- a) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);
- b) Annual poster or essay contest on importance of good attendance;

- c) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO, and other community groups to promote good attendance.

### **Disciplinary Consequences**

Unexcused absences, tardiness, and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Negative consequences will not be imposed, however, where the absence, tardiness, or early departure is related to housing insecurity. Consequences may include, but are not limited to, in-school suspension, detention, and denial of participation in interscholastic and extracurricular activities. Parents or persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness, or early departures and the importance of class attendance and appropriate interventions. Individual buildings and grade levels will address procedures to implement the notification process to the parent or person in parental relation.

### **Intervention Strategy Process**

In order to effectively intervene when an identified pattern of excused absences, unexcused absences, tardiness, or early departures occur, designated District personnel will pursue the following:

- a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of excused absences, unexcused absences, tardiness, or early departures);
- b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent or person in parental relation will be contacted;
- c) Discuss strategies to directly intervene with specific element;
- d) Recommend intervention to Superintendent or designee if it relates to change in District policy or procedure;
- e) Implement changes, as approved by appropriate administration;
- f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness, or early departures;
- g) Monitor and report short and long term effects of intervention.

### **Appeal Process**

A parent or person in parental relation may request a building level review of his or her child's attendance record.

### **Building Review of Attendance Records**

The building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness, and early departures.

### **Annual Review by the Board**

The Superintendent shall annually present to the Board building level student attendance records and if those records show a decline in student attendance, the Board will make any revisions to the Policy and plan deemed necessary to improve student attendance.

### **Community Awareness**

The District will promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of this policy to students and their parents or persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- c) Providing copies of the policy to any other member of the community upon request.

Adoption Date 06/21/2023