

GREENBURGH ELEVEN UFSD

POLICY #5300

CODE OF CONDUCT

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I. Introduction

The Board of Education is committed to providing the District's students with a quality education in a safe school environment free from discrimination and harassment. The District has a long-standing set of expectations for conduct on school property and at school functions held on or off school property. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board expects students, staff, parents and parent representatives to conduct themselves in an appropriate manner based on their respective levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

Prejudice is wrong. Everyone deserves to be treated with respect without regard to actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex. Therefore, no student shall be subjected to discrimination, harassment, bullying or intimidation by staff or students on school property or at a school function based on actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex.

The Board is also committed to providing an educational and work environment that promotes respect, dignity and equality. The Board recognizes that harassment and bullying are detrimental to student learning and achievement. Such behavior both interferes with the mission of the District to educate its students and disrupts the operation of the schools. Additionally, such behaviors affect not only the students or employees who are its targets, but also those individuals who participate in and witness such acts. To this end, the Board promulgates this Code of Conduct to apply to all students, school employees, parents/parent representatives, and other visitors and members of the public when on school property, or attending a school function whether on or off school property.

II. Definitions

For purposes of this Code, the following definitions apply.

“Bullying” is intentional and aggressive behavior that involves an imbalance of power or strength and is usually repeated over time. Bullying may present itself in many forms including, but not limited to:

- a. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding movement, unwelcome physical contact;
- b. Verbal (oral or written) – taunting; malicious teasing; insulting; name calling; sexual, religious, or racial harassment; making threats.
- c. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/ shunning, extortion, or intimidation, dehumanizing gestures or public humiliation

“Cyber Bullying” (also known as “electronic bullying”) is the use of electronic devices and/or technology (i.e., the internet, social media, email, instant messaging, chat rooms, blogs, telephones and cell phones, pagers, PDAs, gaming systems) to deliberately harass, threaten or

intimidate others. Cyber Bullying may involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person, pretending to be someone else in order to communicate harmful truths about that person or another; or intentionally excluding someone from an internet-based group or activity. This includes incidents occurring off school property that create or would foreseeably create a risk of substantial disruption of the school environment.

“Disability” means:

- a. a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
- b. a record of such impairment; or
- c. a condition regarded by others as such an impairment.

“Discrimination” means the negative treatment of, or the conferral or denial of privileges by, any student(s), employee(s), and/or visitor(s) on school property or at a school function based upon a person’s actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex.

“Disruptive student” means a student who is substantially disruptive of the educational process or a school function.

“Drugs” includes “illegal substances” as defined below, and also includes synthetic, alternative or “look-alike” substances.

“Employee” means any person receiving compensation from the District. This term also includes any employee of a contracted service provided or worker placed within the District under a public assistance employment program pursuant to the Social Services Law (Art. 5, Title 9-B), and consistent with the provisions of such law and any applicable contract(s), provides services involving direct contact to students or employees. The term “staff” is synonymous with “employee.”

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

“Harassment” refers to 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. Harassment also includes 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. Such conduct, verbal threats, intimidation or abuse includes, but is not limited to, that which is based upon a person’s actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex. Sexual harassment, which is one form of harassment, is further defined below. Harassment is defined to include conduct by any person, whether another student, or non-students such as District employees and agents, or third parties

such as employees or agents of Children’s Village, school volunteers, visitors, contractors, or vendors.

“Hazing” is the intentional or reckless commission of an act directed against another, or the coercion of another into committing such an act, that creates a substantial risk of harm to a person, for the purpose of initiation into, affiliating with, or maintaining membership in, any activity, organization, club, team or social group, whether school sponsored or not, or for any other purpose.

“Interim Alternative Education Setting” (“IAES”) means a temporary educational placement as provided for in NYS Education Law §3214 and Section 201.7 of the Commissioner’s Regulations.

“Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any substances commonly referred to as “designer drugs,” and prescription medication in the possession of, or used by, any person other than the intended recipient.

“Out-of-School Suspension” means a suspension pursuant to NYS Education Law §3214.

“Parent/Parent Representative” means parent, guardian or person in parental relation to a student, including adoptive, foster families and the Children’s Village staff when they act in loco parentis for our residential students.

“Removal” means a removal, for disciplinary reasons, from the student's current educational placement, but for other than an out-of-school suspension or an interim alternative educational setting (IAES).

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

“School function” means any school-sponsored event or activity whether conducted on or off school property.

“School premises” or “school property” includes but is not limited to leased and used facilities whether on or off the Children’s Village campus within any building, structure, athletic playing field, playground, or parking lot, or in or on a District vehicle, including school buses, as defined in Vehicle and Traffic Law §142.

“Sexual harassment” is a form of harassment (as defined above) and is defined as any unwelcome sexual advance, request for sexual favor, or other verbal, nonverbal, or physical conduct of a

sexual nature, that denies or limits a student's ability to participate in or benefit from a school's program based on sex. This includes sexual harassment by any person that creates a hostile, intimidating or offensive academic environment, or where a teacher or other employee or person conditions an educational decision or benefit on the student's submission to unwelcome sexual conduct (also referred to as sexual coercion). Sexual harassment includes remarks, gestures, writings, messages, pictures, photographs or posters of a sexually explicit or suggestive nature. It also includes sexual violence, which is defined as unwelcome and/or unwanted sexual touching, fondling and/or sexual acts. Prohibited conduct includes same-sex harassment or harassment on the basis of sexual orientation or the perception of sexual orientation. Any reference in the Code of Conduct to harassment includes, without limitation, sexual harassment.

"Sexting" is the sending, receiving or forwarding of sexually provocative, nude or nearly nude photos through electronic devices and/or technology, including text messaging, email or other methods of information technology.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality or transgender or gender identity status.

"Violent student" means a student who:

- a. Commits, or attempts to commit, while on or off school property, an act of violence upon another person (including, but not limited to, an employee or another student).
- b. Possesses a weapon, and/or threatens to use a weapon (as defined below).
- c. Causes damage or destroys school District or personal property.

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

III. Student Rights and Responsibilities

A. Student Rights

All students in our District have the following rights:

1. To be given fair treatment in a safe environment that is conducive to learning.
2. To be respected and participate in all school activities without regard to actual or

perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex.

3. To receive an appropriate education which reflects each student's individual needs and which focuses on each student's highest potential in academic achievement, and to receive additional instruction to promote awareness of and sensitivity to discrimination, harassment and civility in the relations of people including, but not limited to, people of different races, colors, national origin, ethnicities, religions, religious practices, disabilities, sexual orientations, and physical characteristics, such as weight, gender, or sex.
4. To be taught in an environment which consistently provides fair treatment by others in school.
5. To be given the social advantages of learning how to be good citizens.
6. To be provided with clear explanations of all the school rules and their necessity to maintain a highly effective educational environment.

B. Student Responsibilities

Our District has created a solid foundation of the following core values:

1. You are responsible for your own actions. You have choices and your choices have consequences.
2. You are responsible to the larger community and for the impact your choices have on others.
3. Treat others with the respect you wish to be given.
4. Violence is unacceptable.
5. Education is important. It defines the road to success.
6. Work is important. It should be carried out with pride and excellence.

These core values are the foundation upon which the following student responsibilities are built:

1. Each student is responsible for his/her behavior and his/her own actions.
2. Each student is to be on time and attend classes every day and be prepared to learn.
3. Each student is expected to be courteous, well behaved and respect the rights of others.
4. Each student is expected to work to the best of his/her ability.
5. Each student will respect the property of others and refrain from destroying, damaging or defacing it in any way.

6. Each student will be familiar with and obey all classroom and school rules, policies and regulations regarding student conduct.
7. Each student will respect the right of others to receive an education.
8. Each student will seek and accept help to develop skills to control his/her anger.
9. Each student will dress appropriately in school and at school functions.
10. Each student is expected to respond positively and respectfully to any directions given by school staff.
11. Each student will cooperate with school authorities in the investigation of Code of Conduct violations.

IV. Essential Partners

A. Parents/Parent Representatives

All parents/parent representatives are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/parent representatives and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure that their children attend school regularly and on time.
4. Know school rules and regulations and help their children understand them.
5. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
6. Ensure that all absences are legitimate and unavoidable and are reported to the proper school District authorities.
7. Insist that their children be dressed and groomed in a manner consistent with the student dress code.
8. Be supportive of education and the District.
9. Build good relationships with teachers, other parents/parent representatives and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.

12. Provide a place for study and ensure that homework assignments are completed.

B. Employees

All employees are expected, as appropriate to the individual's position, to:

1. Know school policies, rules and regulations, follow them and enforce them in a fair and consistent manner.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex; and to strengthen students' self-confidence and promote an environment conducive to learning.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Be prepared to participate in the learning process.
5. Initiate or participate in staff/student conferences and parent or parent representative/staff/student conferences, as necessary, as a way to resolve problems.
6. Demonstrate interest in education and a concern for student achievement.
7. Encourage students to benefit from the curricular and extracurricular programs.
8. Where and when appropriate, communicate to students and parent/parent representatives:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
9. Communicate regularly with students, parents/parent representatives and other staff concerning growth and achievement.
10. Regularly review with students their educational progress and career plans and provide assistance with career planning, as appropriate.
11. Adhere to and support the students in following the school-wide behavior management program.
12. Promote a safe and orderly school environment by preventing crisis situations.

13. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, employee, or any person on school property or at any school function.
14. Record and maintain any required data, records, logs and reports that provide information regarding student movement, incidents and safety issues.
15. Provide direct support and leadership during crisis situations.
16. Serve as positive role models for students.
17. Take appropriate actions in enforcing this Code of Conduct, including, but not limited to, modeling appropriate behaviors, and promptly reporting actual or reasonably-suspected violations of the Code of Conduct, whether such violation is by a student, staff member or other person.

C. Principals

In addition to the foregoing, as appropriate, all principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, staff and parents/parent representatives have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate all instructional programs on a regular basis.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Oversee the delivery of educational services within an assigned site.
6. Serve as positive role models for all employees and students.
7. Enforce the Code of Conduct and ensure that all violations are investigated promptly, handled fairly and, when appropriate, referred to the Superintendent.

D. Superintendent

In addition to the foregoing, as appropriate, the Superintendent of Schools is expected to:

1. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
2. Inform the Board of Education about educational trends relating to student discipline.

3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Be available to parents/parent representatives, as appropriate.
5. Serve as a positive role model for school administrators, staff and students.
6. Work with District administrators and staff in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly, and to take appropriate action, as necessary.

E. Board of Education

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent/parent representative organizations, school safety personnel and other employees to develop a Code of Conduct that clearly defines expectations for the conduct of students, employees and visitors on school property and at school functions.
2. Conduct Board meetings in a professional, respectful, courteous manner.
3. Serve as positive role models for the Superintendent and staff.
4. Evaluate the Code's effectiveness and the fairness and consistency of its implementation and review and adopt, at least annually, the District's Code of Conduct.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions whether held on or off school property. Students and their parents/parent representatives have the primary responsibility for acceptable student dress and appearance. Teachers and all other employees should continue to exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Ensure that underwear is completely covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.

4. Not include the wearing of headgear anywhere in the school building except for a medical or religious purpose.
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex.
6. Not promote and/or endorse the use of alcohol; tobacco; illegal substances and drugs, as defined in this Code; drug paraphernalia associated with the use of alcohol, drugs or illegal substances; and/or encourage other illegal or violent activities.
7. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.

Students who violate the Student Dress Code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline.

VI. Prohibited Student Conduct

A. Students shall not engage in disorderly conduct.

Examples of disorderly conduct include, but are not limited to:

1. Bringing personal items (including electronic devices) unrelated to the academic program to school, excluding personal hygiene items, as necessary, without prior administrative approval.
2. Using language or gestures that are obscene, profane, lewd, vulgar or abusive.
3. Engaging in any willful act which disrupts the learning and/or normal operation of the school community.
4. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
5. Misusing computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites.
6. Obstructing vehicular or pedestrian traffic.

B. Students shall not engage in insubordinate and/or disruptive conduct.

Examples of insubordinate and/or disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other staff in charge of students or otherwise demonstrating disrespect.
2. Failing to report to or leaving: class; detention; or any other activity without permission.

C. Students shall not engage in violent conduct.

Examples of violent conduct include, but are not limited to:

1. Committing, attempting, or intending to commit, an act of violence (such as hitting, biting, spitting at, kicking, punching, and scratching) directed at another person.
2. Possessing, displaying, and/or threatening to use a weapon. Authorized law enforcement officials or other persons licensed to possess a weapon and who have written authorization from the Superintendent are the only persons permitted to have a weapon in their possession while on school property or at a school function held on or off school property.
3. Threatening to possess, use, and/or display a weapon.
4. Intentionally damaging or destroying school District facilities, equipment and/or materials on or off school property or the personal belongings of another person on school property or attending a school function held on or off school property, including graffiti or arson.

D. Students shall not engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include, but are not limited to:

1. Lying to or misleading employees.
2. Stealing the property of other students, employees or any other person on school property or attending a school function held on or off school property.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, and/or harassment whether or not such actions are based on actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex as a basis for treating another in a negative manner.

5. Hazing and Sexting.
6. Intimidation and/or bullying (including Cyber Bullying), which includes engaging in actions or statements that put an individual in fear of bodily harm whether or not such actions are based on actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex.
7. Selling, using or possessing obscene material.
8. Using vulgar or abusive language, cursing or swearing.
9. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
10. Possessing, using, sharing, selling or distributing illegal substances, drugs, or alcoholic beverages.
11. Possessing or using paraphernalia associated with the use of illegal substances, drugs, or alcoholic beverages.
12. Gambling.
13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. Discharging a fire extinguisher without appropriate reason.
15. Leaving school grounds without permission and/or encouraging others to do so.

E. Students shall not engage in any illegal conduct.

Examples of illegal conduct include, but are not limited to:

1. Making bomb threats.
2. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drugs, or illegal substances, or being under the influence of such.
3. Initiating a report or warning of fire or other catastrophe without valid cause.
4. Misuse of 911.

F. Students shall not engage in any type of misconduct while on buses or other vehicles for a purpose related to the District.

Examples of such misconduct include, but are not limited to:

1. Taking any action that distracts, or may have the effect of distracting, the vehicle operator.
2. Taking any action that jeopardizes one's own safety or that of others.
3. Engaging in any prohibited behaviors including, but not limited to, making excessive noise, pushing, shoving or fighting and any behavior that would be inappropriate in a classroom.

G. Student shall not engage in any form of academic misconduct.

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

VII. Reporting Violations

A. Reporting Violations of the Code of Conduct

1. Students

All students are expected to promptly report violations of the Code of Conduct to the appropriate District staff or supervisor. Additionally, any student observing another student in possession of, or using, distributing, or attempting to possess, use or distribute, a weapon, alcohol, drug or illegal substance, or drug paraphernalia shall report this information immediately to District staff.

2. Staff

All staff members are expected to promptly report violations of the Code of Conduct, whether such violation is by a student, staff member or other person, to the building principal, assistant principal or other administrator at the earliest possible opportunity. This includes situations where the employee has a reasonable suspicion that the Code of Conduct may have been violated. Such reports must be truthful and accurate and shall include all relevant details of the event or events so reported.

Failure by an employee to report actual or suspected violations of this Code of Conduct, or submission of a report that does not meet the foregoing requirements, shall subject such

employee to discipline, including up to termination of employment.

3. Administration

All members of the administration are expected to promptly report violations of the Code of Conduct to the appropriate supervisor or to the Superintendent, when appropriate.

The building principal, or his/her designee, must notify the appropriate local law enforcement agency of those violations that constitute crimes and/or substantially affect the order or security of a school. Such report should be made as soon as practical, but no later than the close of business the day the principal or his/her designee learns of the violation. Notification may be made by telephone, followed by entry in a log maintained to record such calls, entering the date and time of the call, the person spoken with, the details reported and the person making the call.

The notification must identify the student and explain the prohibited behavior that constituted a violation of the Code of Conduct and is believed to constitute a crime. Also, whenever possible, notification to a law enforcement agency shall take place after notification to the Superintendent. If prior notification to the Superintendent is not practicable, the Superintendent must be notified immediately thereafter.

The Superintendent, or designee, shall notify the parents/parent representatives upon notification of a violation of this Code involving a weapon, drugs, illegal substance, or drug paraphernalia.

Consistent with the District's responsibility to investigate reports of violations of this Code of Conduct that are alleged to have occurred on or through the use of electronic devices and/or technology, the Board authorizes school and network administrators and their authorized employees to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect personal or District property, or the reputation of the District, its students and/or staff. Information gathered by these administrators may be used in disciplinary actions, and any evidence of a crime will be furnished to law enforcement.

4. Protection from Retaliation

Any person who, acting reasonably and in good faith, reports pursuant to this Code or participates in the investigation of a report shall be free from retaliation of any kind. Any employee who engages in such retaliation shall be subject to discipline, including up to termination of employment. However, any person who knowingly makes a false report pursuant to this Code shall be subject to appropriate disciplinary action.

B. District Reporting Requirements

In accordance with the Commissioner's Regulations Section 100.2, the District shall submit to the Commissioner annual reports of violent or disruptive incidents that occurred in the prior school year. This information shall be recorded on forms provided by the State Education Department and submitted, as required, to the State Education Department. Also, the District shall report material incidents of discrimination or harassment on school grounds or at a school function to the State Education Department at least annually.

VIII. Disciplinary Consequences

Disciplinary action, when necessary, will be firm, fair and consistent and will follow the procedural safeguards required by applicable laws and regulations.¹ When disciplinary consequences are appropriate, the following additional factors will be considered:

¹ Students are not disciplined when a Manifestation Determination results in a finding that the behavior exhibited was either caused by, or had a direct and substantial relationship to, the student's disability, or was a result of a failure on the part of the District to implement an Individualized Education Program.

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record, if any.
4. The effectiveness of other and/or prior forms of discipline.
5. Information from parents/parent representatives, teachers and/or others, as appropriate.
6. Extenuating circumstances.

As a general rule, discipline will be progressive. This means that, generally, with regard given to the specific offense, a student's first violation will usually merit a lighter consequence than subsequent violations.

A. Disciplinary Consequences for Violations of the Code of Conduct

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

1. Students shall be subject to disciplinary action as described below, as deemed appropriate.
2. Tenured staff are subject to disciplinary action pursuant to the NYS Education Law subject to the relevant provisions, if any, of then-existing collective bargaining agreements.

3. Staff members in the classified service of the civil service are subject to the disciplinary procedures contained in the Civil Service Law.
4. Staff members other than those described in subdivisions 2 and 3 shall be subject to disciplinary action in accordance with any legal rights they may have.
5. Visitors, vendors, licensees, invitees, and all other persons that do not belong to any of the foregoing categories may have authorization, if any, to remain on school grounds or at a school function, withdrawn and shall be immediately directed to leave the premises. Failure to comply with such a directive will result in ejection and/or prosecution, as appropriate.

The Board also recognizes its responsibility to protect school property or, where school functions are held off school property, to protect the property where such functions are held. Therefore, the Board will take any and all legal action to prevent damage or destruction to such property and/or seek restitution from, and prosecution of, any person or persons who willfully, intentionally and/or consequentially, damage such property.

The District reserves its right to pursue civil or criminal legal action against any person violating the Code. In addition, the Superintendent shall be authorized to arrange for the provision of security services to assure proper conduct on school property or at school District functions on or off school District property. Further, the Superintendent is authorized to collaborate with Children's Village officials to implement the use of lawful metal detection devices at school buildings and at school District functions whether on or off school District premises and shall develop procedures consistent with law to implement same. The Superintendent is also authorized to arrange for the provision of security services to implement said enforcement program.

For students, the range of disciplinary consequences which may be imposed for violations of the Code of Conduct include, but is not limited to, the following:

- a. Verbal and/or written warning.
- b. Rectifying the situation (i.e., apology and/or restitution).
- c. Denial of points and/or privileges.
- d. Student time out in class.
- e. Student time out outside the class in a crisis room or with counselor.
- f. Student counseled by teacher.
- g. Student counseled by school counselor.
- h. Student counseled by Children's Village staff, if appropriate.
- i. Assignment to the In-School Suspension Program.

- j. Suspension from extracurricular activities.
- k. Out-of-school suspension.

B. Possession of Weapons; Confiscation of Weapons, Alcohol, Drugs, Illegal Substances

A student who is found guilty of possession of a weapon on school property and/or at a school related function on or off school property is subject to discipline, up to and including a mandatory penalty of expulsion for at least one year. The Superintendent may modify the mandatory penalty on a case-by-case basis after considering the six factors listed above at VIII.

Any staff member observing, or who becomes aware of, a student in possession of, or using, distributing, or attempting to possess, use or distribute, a weapon, alcohol, drug or illegal substance, or drug paraphernalia, shall immediately confiscate, if possible, and preserve the same and report the incident immediately to the immediate supervisor or designee. The supervisor or designee shall notify the parents/parent representatives.

C. Teacher Disciplinary Removal of Students

The classroom teacher may, subject to the approval of the principal, remove a student from his/her class for a brief period of time if the student is in severe crisis and his/her behavior is a danger to himself or others. The exclusion of a student may not exceed one 45 minute period. In such cases, the following must be followed:

1. The student is removed only when his/her behavior threatens his/her own safety or that of others.
2. The teacher must explain to the student why he was removed from the classroom.
3. The teacher must complete and submit a District-established disciplinary referral form to the principal or his designate.
4. The principal, or designee, must notify the appropriate parent/parent representative that the student has been removed from class, and provide the reason(s) for such removal, within 24 hours. The notice must also inform the parent/parent representative that he/she has the right, upon request, to meet informally with the principal, or the principal's designee, to discuss the reasons for the removal.
5. The principal may require the teacher who ordered the removal to attend the informal conference.

6. At the informal meeting, the principal, or the principal's designee, must explain why the student was removed and give the student and the student's parents/parent representatives a chance to present the student's version of the relevant events. If an informal meeting was requested, the parent has the right for this meeting to occur within 48 hours of this removal. or at a later time requested by the parents/parent representatives.
7. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:
 - a. The reason(s) for the removal are unsubstantiated.
 - b. The student's removal is otherwise in violation of law, or District policy.
 - c. The reason(s) for removal merits a more serious Disciplinary Consequence as listed above.
8. The principal, or his or her designee, may overturn a removal at any point between receiving the referral form issued by the teacher and the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.
9. The crisis paraprofessional must maintain a complete log, on a District provided form, for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

D. Remedial Measures

In response to incidents of discrimination or harassment, in addition to any appropriate Disciplinary Consequences, the District shall provide, as deemed necessary by the superintendent or principal, the following individual, class or school-wide remedial measures, as appropriate:

- a. peer support groups.
- b. corrective instruction or other relevant learning or service experience.
- c. supportive intervention.

- d. behavioral assessment or evaluation.
- e. behavioral management plans with benchmarks that are closely monitored.
- f. student counseling and parent/ parent representative conference(s).
- g. supervisory systems that provide staff with prevention and intervention tools to address incidents of bullying, harassment or discrimination.
- h. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior.
- i. use of research based, systemic harassment prevention programs.
- j. modification of classroom environment, schedules and/or adjustment of corridor traffic and other student routes of movement.
- k. targeted use of staff.
- l. staff professional development.
- m. involvement of parent-teacher organizations.

IX. Suspension of Students

A. In-School Suspension

The Board of Education recognizes the importance of school attendance. The Board also recognizes the need to remove unruly or disruptive students from the regular classroom or activity so that learning can take place. Therefore, the Board directs the Superintendent to develop, consistent with this Code, guidelines for the implementation of a program for the removal of students to another in-school location. This shall be referred to as “In-School Suspension Program.” The program should provide that a student so removed continues to receive his/her educational program in an appropriate location. The Superintendent shall also insure appropriate supervision for the in-school suspension room(s).

B. Out-of-School Suspension

The Board directs the Superintendent to develop, consistent with the procedures established in Section 3214 of the NYS Education Law and Commissioner’s Regulations, as well as the requirements of the Individuals with Disabilities Act, guidelines regarding the imposition of out-of-school suspensions consistent with this Code of Conduct.

X. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to impose disciplinary consequences, including the removal or suspension, on students with disabilities to address behaviors that violate this Code of Conduct. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever disciplined. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

XI. Visitors

The Board recognizes that there are occasions when it is necessary and/or desirable to grant access to District facilities by visitors (meaning, anyone who is not a regular staff member or student of the school).

All visitors must obtain permission of appropriate District personnel pursuant to District guidelines. The Board directs the Superintendent to develop guidelines, consistent with this Code, respecting such visits.

Visitors are expected to comply with this Code of Conduct and are prohibited from engaging in any of the prohibited conduct described in this Code. Additionally, any action by any visitor that disrupts, interferes, or delays the education process, is a violation of this Code of Conduct.

Employees may not bring visitors (including children, other relatives, or friends) to the District while school is in session. If an emergency occurs, or when school is not in session, employees wishing to have a visitor accompany them on District grounds may request such permission of the Superintendent, or his/her designee, but only if the visit will not interfere with that employee's responsibilities.

XII. Public Conduct on School Property

This Code also governs the conduct of members of the public and all other persons, including but not limited to contractors, vendors, licensees, and invitees, whether or not their presence is authorized, upon school property, and also upon or with respect to any other premises or property under the control of the District and used in its school programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

Members of the public, and all other persons, are expected to conduct themselves as Essential Partners and contribute to a climate of mutual respect and dignity for all persons. All members of the public, and all other persons, are expected to comply with this Code and are prohibited from engaging in any of the prohibited conduct described in this Code. Additionally, any action by any member of the public, or any other person, that disrupts, interferes, or delays the education process, is a violation of this Code of Conduct.

XIII. Dissemination, Review and Relevant Training

A. Dissemination of the Code of Conduct

The District will work to ensure that the community is aware of this Code of Conduct by:

1. Including a summary of this Code in student registration materials, and student, parent and employee handbooks.
2. Providing copies of a summary of the Code, written in plain language, to all students at the beginning of each school year.
3. Mailing a summary of this Code, written in plain language, to all parents/parent representatives of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current staff, and new hires, with a copy of this Code of Conduct, and copies of any amendments, as soon as practicable after adoption.
5. Making copies of the Code available, upon request, for review by students, parents/parent representatives, staff and other community members.
6. Posting this Code together with all guidelines developed by the Superintendent pursuant to this Code on the District's website and in a prominent place in each District facility.
7. Each principal, or his/her designee, shall inform all students and parent/parent representatives, of the student dress code at the beginning of the school year. Additionally, principals and their designees are responsible for notifying students and parent/parent representatives of any changes to the dress code made during the school year.

B. Review

The Board of Education will review this Code of Conduct annually and update as necessary. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school employees, parents/parent representatives, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

C. Training

The District will sponsor an in-service education program for staff members to ensure the effective implementation of this Code of Conduct. Additionally, the Board directs the Superintendent to create guidelines that will be used in school training programs:

- a. to discourage the development of discrimination or harassment;
- b. to raise the awareness and sensitivity of school employees to potential discrimination or harassment;
- c. to enable employees to prevent and respond to discrimination and harassment; and
- d. to develop non-discriminatory instructional and counseling methods, and require the training of a “Dignity Act Coordinator.”

The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

Additionally, the Board requires the Superintendent to arrange for at least one District staff member at every school to be thoroughly trained as a Dignity Act Coordinator who shall manage human relations in the areas of actual or perceived race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, and physical characteristics, such as weight, gender, or sex. In addition, training programs will be established for students and employees to raise awareness of the issues surrounding discrimination and harassment and to implement preventive measures to help reduce incidents of discrimination, harassment, hazing and bullying, including cyber bullying.

References include:

- Acceptable and unacceptable conduct, dress and language on school property for students, school personnel and visitors
[Ed. Law §2801(2)(h); 8 NYCRR §100.2(l)(2)(ii)(i)]
- Dignity for All Students Act
[Ed. Law §10-18; 2801 and 2802; 8 NYCRR §100.2(1), (jj); 8 NYCRR §120.2[gg][1][vi][j]]
- Disciplinary measures, detention, suspension, and classroom removal
[Ed. Law §§3214 and 2801(2)(e); 8 NYCRR §100.2(l)(2)(ii)(c), (d), (e), (f), (g)]
- Discipline of students with disabilities
[8 NYCRR §100.2(l)(2)(ii)(h)]
- Filing court action
[Ed. Law §2801(2)(j); 8 NYCRR §100.2(l)(2)(ii)(k)]
- Harassment
[NY Penal Law §§240.25 and 240.26]
- Hazing
[NY Penal Law §§120.16 and 120.17]
- Minimum suspension periods for violent and disruptive students
[Ed. Law §2801(2)(l), (m); 8 NYCRR §100.2(l)(2)(ii)(m), (n)]
- Parental notification of student Code violation
[Ed. Law §2801(2)(i); 8 NYCRR §100.2(l)(2)(ii)(j)]
- Referral to human services
[Ed. Law §2801(2)(k); 8 NYCRR §100.2(l)(2)(ii)(l)]
- Referral to juvenile delinquent or criminal justice systems for firearms possession
[20 USC §7151; Ed. Law §3214(3)(d)]
- Roles of teachers, administrators, other school personnel, school board and parents
[Ed. Law §2801(2)(a); 8 NYCRR §100.2(l)(2)(ii)(a)]
- Sexual harassment
[Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 C.F.R. §§100 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000- e et seq.; Civil Rights Act of 1991, 42 U.S.C. § 1981(a); 29 C.F.R. § 1604.11(a);
N.Y. Executive Law §§ 296 and 297.]
- Staff in-service programs
[8 NYCRR §100.2(l)(2)(ii)(p)]
- Student rights and responsibilities
[8 NYCRR §100.2(l)(2)(ii)(o)]
- Rehabilitation Act of 1973, Section 504, as amended, CFR Part 104 and 8NYCRR 100.0(1) and the Individuals With Disabilities Act, 20 U.S.C. §1400, et seq.

Date Adopted (as revised): June 28, 2012

Revised and Re-Adopted: June 10, 2015

Re-Adopted : July 9, 2015