



# Duanesburg

CENTRAL SCHOOL  
DISTRICT

Code of conduct

2026-2027

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# Introduction

The Board of Education (“Board”) has adopted the following mission statement and goals for the Duanesburg Central School District. These goals and guiding principles are used as a lens through which the success of the District is measured and as a basis for decision-making.

## Mission Statement, Guiding Principles and Goals

Partnering with families and community, Duanesburg Central School will provide a safe, supportive and inclusive environment. We are committed to cultivating integrity, fostering community and instilling pride to prepare every student for success.

### Duanesburg Central School’s Guiding principles

- Integrity
- Community
- Pride

### Goals

#### Foster integrity in Duanesburg Central School District

The Duanesburg Central School District will promote a culture of integrity by encouraging honesty, fairness, and ethical behavior among students, staff, and the community.

#### Strengthen community engagement in Duanesburg Central School District

The Duanesburg Central School District will enhance connections among students, families and the broader school community by fostering strong, collaborative relationships.

#### Foster pride in Duanesburg Central School District

The Duanesburg Central School District will cultivate pride by fostering a sense of ownership and excellence, celebrating achievements, and nurturing school spirit within our community.

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## Legal authority and related District policies

This Code of Conduct is the District's detailed code under Board Policy 3410 (Code of Conduct on School Property), and Education Law §2801(1) and 8 NYCRR §100.2(l). It should be read together with Board Policy 3420 (Non-Discrimination and Anti-Harassment), Board Policy 3421 (Title IX and Sex Discrimination), Board Policy 7550 (Dignity for All Students), and Board Policy 7110 (Comprehensive Student Attendance Policy).

New York State law includes, as applicable: Education Law Article 65 (compulsory attendance); Education Law §3214 (suspension of pupils); Education Law §3214-a (alternative instruction during suspension); Education Law §§10-18 (Dignity for All Students Act); Education Law Article 89 and §4404 (students with disabilities); Penal Law §221.05 (PINS); Criminal Procedure Law §1.20(42) (juvenile offenders); Family Court Act Article 7 (PINS).

Federal law includes, as applicable: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq. and 34 CFR Part 300; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; Gun-Free Schools Act, 20 U.S.C. §7151; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681; FERPA, 20 U.S.C. §1232g; 18 U.S.C. §§921 and 930 (weapons, as used in this Code).

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# Student rights and responsibilities

## Student rights

*Legal authority: Education Law §§2801 and 3202; Section 504 of the Rehabilitation Act, 29 U.S.C. §794; Title VI, 42 U.S.C. §2000d; Title IX, 20 U.S.C. §1681; Board Policy 3420 and Board Policy 3421.*

The District is committed to safeguarding the rights given to all students under state and federal law. To promote a safe, healthy, orderly, and civil school environment, each student has the right to:

- A high-quality education that focuses on developing them as individuals and competent, productive citizens.
- Express opinions, support causes, organize and assemble to discuss issues, and demonstrate peacefully and responsibly, in accordance with policies and procedures established by federal and state law and the Board of Education.
- Participate in all District activities on an equal basis, regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or gender identity and expression.

Additionally, where applicable under state law, the NYS Student Bill of Rights guarantees students the right to:

- Make a report to local law enforcement and/or state police.
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- Decide whether or not to disclose a crime or violation and to participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- Be treated with dignity and to receive courteous, fair, and respectful health care and counseling services, where available.
- Be free from any suggestion that the reporting individual is at fault when these crimes or violations are committed, or should have acted differently to avoid them.
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution.

- Access at least one level of appeal of a determination.
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process, including during all meetings and hearings related to that process.
- Exercise civil rights and practice religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

## Student responsibilities

All District students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all District policies, Code of Conduct, rules and regulations addressing student conduct.
- Treat their fellow students and the employees of the District with respect, as outlined in [the Dignity Act](#).
- Be present and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits.
- Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
- Work to develop strategies to regulate emotions and behavior as needed.
- Ask questions when they do not understand.
- Conduct themselves as representatives of the District when participating in or attending [school-sponsored extracurricular events](#) and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- Demonstrate respect and concern for the facilities, employees of the District and other students, and avoid purposeful damage.

## The Dignity Act

*Legal authority: Education Law §§10-18; Board Policy 7550.*

The Dignity for All Students Act (DASA), also called the Dignity Act, is a New York State law that requires public schools to provide a safe, supportive environment free from discrimination, harassment, intimidation, and bullying. The law applies to conduct on school property and at school functions, as well as, in many cases, to behavior that affects a student's ability to learn - including [cyberbullying](#) and [off-campus conduct](#) when it creates a hostile environment at school. Schools must adopt policies and procedures that protect students from mistreatment based on

characteristics such as race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or gender identity and expression. DASA also requires staff training, a coordinated approach to prevention and intervention, clear reporting procedures, and annual reporting to the New York State Education Department. The District's Code of Conduct reflects these requirements under Education Law §§10-18 and Board Policy 7550 and explains how students, families, and staff can report concerns and how the school will respond.

Instructions on how reports can be made, and more specifics of Duanesburg's program are available on the District's DASA website at <https://sites.google.com/duanesburg.org/dasa/home>

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# Essential partners' responsibilities

*Legal authority: Education Law §2801(1); 8 NYCRR §100.2(l) (code of conduct and essential partners).*

Teachers	Caregivers	Administration	Dean Of Students
<ul style="list-style-type: none"> <li>• Be prepared to teach.</li> <li>• Continue with ongoing professional growth and development. Exhibit how to be a good citizen by contributing to a safe and positive learning environment.</li> <li>• Maintain a climate of fairness, mutual respect and dignity, which will strengthen students' self-concept and promote confidence in learning.</li> <li>• Understand and respect the values and traditions of the diverse cultures represented in the community and classrooms.</li> <li>• Educate students in attitudes, habits and standards of conduct, citizenship, respect and responsibility, all of which add up to Character Education.</li> <li>• Strive to help each student to realize their potential as a worthy and effective citizen and member of the school community.</li> <li>• Demonstrate interest in teaching, with care and concern for student achievement.</li> <li>• Demonstrate trustworthiness and responsibility using the highest ideals of professional service and commitment to the profession.</li> <li>• Know school policies and rules, and enforce them in an equitable and consistent manner.</li> <li>• Communicate to students and caregivers in writing as appropriate.</li> <li>• Discuss and display expectations for students.</li> <li>• Develop classroom expectation plans that foster respect, responsibility and a caring community discipline plan.</li> <li>• Communicate regularly with students, caregivers, and other teachers with care concerning growth and achievement.</li> <li>• Promote student responsibility to stay on task while in class.</li> <li>• Accept personal responsibility for teaching students character</li> </ul>	<ul style="list-style-type: none"> <li>• Inform the school district if any emergency information changes.</li> <li>• Recognize that the education of their child(ren) is a joint responsibility of the caregivers and the school community.</li> <li>• Send their children to school (as required by New York State Law) ready to participate and learn.</li> <li>• Ensure their children attend school regularly and on time.</li> <li>• Ensure that absences occur for reasons set forth in Board Policy 7110 (Comprehensive Student Attendance Policy).</li> <li>• Provide for their children's health.</li> <li>• Insist their children be dressed and groomed in a manner consistent with the <a href="#">student dress code</a>.</li> <li>• Help their children understand that, in a democratic society, appropriate rules are required to maintain a safe and orderly environment.</li> <li>• Guide their children toward a respect for the law, the authority of the school, and for the rights and property of others.</li> <li>• Know school rules and help their children understand them.</li> <li>• Make their children aware of the consequences for any violation of school rules (outlined in this Code) and accept legal responsibility for their children's actions.</li> <li>• Encourage their children to develop socially acceptable standards of behavior, to exercise self-control, and to be accountable for their actions.</li> <li>• Convey to their children a supportive attitude toward education and the district.</li> <li>• Exemplify an enthusiastic and supportive attitude toward school and education by becoming acquainted with their children's school, its staff, curriculum and activities, and their children's progress and behavior.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote active citizenship.</li> <li>• Ensure a safe, respectful, caring, orderly, and stimulating school community that supports active teaching and learning.</li> <li>• Be available for students and staff and provide opportunities to them to communicate regularly to discuss concerns that hinder our safe, responsible, caring, fair, and respectful community.</li> <li>• Disseminate yearly notification requirements to staff and families.</li> <li>• Evaluate, on a regular basis, all instructional programs.</li> <li>• Support the development of and student participation in appropriate extracurricular activities.</li> <li>• Enforce the Code of Conduct and ensure that all cases that violate any of this Code of Conduct are resolved promptly and fairly for all parties involved.</li> <li>• Accept personal responsibility for promptly serving direct communication to caregivers, staff and students of any major infractions of the Code of Conduct.</li> <li>• Regularly communicate with families their students' academic, social-emotional and/or attendance interventions and associated outcomes.</li> <li>• Know school policies and rules, enforce all policies and rules, and disseminate consequences in an equitable and consistent manner.</li> <li>• Maintain a climate of fairness, mutual respect and dignity, which will strengthen students' and staff's self-concepts and promote confidence in continuous learning.</li> </ul>	<ul style="list-style-type: none"> <li>• Serve as the building's primary administrator for student conduct and discipline.</li> <li>• Receive, investigate, and document behavior referrals from staff and students. Implement progressive disciplinary responses under this Code, including counseling, detention, loss of privileges, and caregiver conferences.</li> <li>• Coordinate with guidance counselors and the principal on attendance concerns and behavioral interventions.</li> <li>• Communicate promptly with students and caregivers regarding conduct incidents, interventions, and outcomes.</li> <li>• Support teachers in addressing classroom behavior concerns before they escalate.</li> <li>• Facilitate restorative practices and re-entry meetings following significant disciplinary actions.</li> <li>• Refer matters to the <a href="#">Dignity Act Coordinator</a>, principal, or Superintendent when conduct may constitute harassment, discrimination, bullying, or a major Code violation.</li> <li>• Know school policies and rules, and apply them in an equitable and consistent manner.</li> <li>• Maintain a climate of fairness, mutual respect, and dignity that supports student accountability and continuous learning.</li> </ul>

<i>Teachers</i>	<i>Caregivers</i>	<i>Administration</i>	<i>Dean Of Students</i>
<p>qualities that will help them evaluate consequences and take responsibility for their actions.</p> <ul style="list-style-type: none"> <li>• Work individually with a student to develop quality relationships, with care and respect, to achieve desirable conduct.</li> </ul>			

<i>Superintendent</i>	<i>Board of Education</i>	<i>Counseling Staff</i>	<i>Dignity Act Coordinator</i>
<ul style="list-style-type: none"> <li>• Promote active citizenship.</li> <li>• Ensure a safe, orderly community and stimulating positive school environment, supporting active teaching and learning.</li> <li>• Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.</li> <li>• Inform the Board of Education about educational trends relating to student discipline.</li> <li>• Work to create responsible instructional programs that minimize problems of misconduct and are respectful, caring and sensitive to student and teacher needs.</li> <li>• Work with District administrators in promptly enforcing the Code of Conduct and ensuring fairness for all regardless of race, sex, religion, ability and/or personal beliefs</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborate with students, teachers, administrators, community stakeholders, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.</li> <li>• Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.</li> <li>• Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.</li> <li>• Be strong trustees for the community, protecting the valuable resources that have been placed under their guard.</li> </ul>	<ul style="list-style-type: none"> <li>• Assist students in coping with peer pressure and emerging personal, social and emotional problems.</li> <li>• Initiate teacher/student/counselor conferences and caregiver/teacher/student/counselor conferences, as necessary, as a way to resolve problems.</li> <li>• Regularly review with students their educational progress and future plans.</li> <li>• Provide information to assist students with college and career planning.</li> <li>• Provide information to assist students with job readiness and placement.</li> <li>• Encourage students to benefit from the curriculum and extracurricular programs</li> </ul>	<ul style="list-style-type: none"> <li>• Promote a trustworthy and safe school environment, support active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, gender identity, or gender expression.</li> <li>• Oversee and coordinate the work of the district-wide and building-level Multi Tiered System of Support (MTSS) Team.</li> <li>• Identify curricular resources that support infusing civility in classroom instruction and classroom management, and provide guidance to staff for accessing and implementing those resources.</li> <li>• Coordinate, with the Professional Development Committee, training in support of the Bullying Prevention Committee.</li> <li>• Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.</li> <li>• Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.</li> <li>• Address personal biases that may prevent equal treatment of all students and staff.</li> </ul>

# Student dress code

*Legal authority: Education Law §§10–18 and §2801(1); Board Policy 3410; Board Policy 3420; Board Policy 7550.*

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their caregivers have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should model 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 texture, protective hairstyles, hair style/color, jewelry, make-up and nails, shall:

- Be safe and not disrupt or interfere with the educational process.
- Be free of items that are vulgar, obscene, or libelous, or that denigrate others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, gender identity, or gender expression.
- Be free of the promotion and/or endorsement of the use of alcohol, tobacco or illegal drugs and/or encouragement of other illegal or violent activities.
- Be free of denoting or representing gang affiliation, including but not limited to garments, jewelry and other forms of symbolism.

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, replace it with an acceptable item. It may be necessary to counsel students and notify their families as to the inappropriateness of their chosen dress and/or item. Any student who refuses to do so shall be subject to discipline, up to and including [In-school suspension](#). Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including [Out-of-school suspension](#).

Based on specific examples outlined in the Employee Handbook or the judgment of any teacher, monitor or staff person, that a student's appearance is not in compliance with the student dress code, that student may be referred to the appropriate Administrator.

## Legal framework for dress and appearance

Under Education Law §§10–18 (Dignity for All Students Act) and Board Policy 7550, the District must maintain a school environment free from discrimination, intimidation, and harassment. DASA defines gender as a person's actual or perceived sex and includes a person's gender identity or expression. Consistent with NYSED guidance, incidents involving the application of a dress code, grooming, or appearance standards based on a person's actual or perceived

gender (including gender identity and/or expression) must be reported to the principal or [Dignity Act coordinator](#) as possible DASA violations.

Dress and grooming standards in this Code must be applied consistently to all students. They may not target or stigmatize students based on gender identity or expression, prohibit attire or grooming associated with a particular gender, require gender-specific dress for school activities, or enforce gender stereotypes (for example, restricting jewelry, skirts, or hairstyles based on a student's sex or gender). Under federal and state law, including Title IX, discrimination based on sex includes sexual orientation and gender identity.

The CROWN Act amended DASA in 2021 to provide that race includes traits historically associated with race, including hair texture and protective hairstyles such as braids, locks, and twists. Students may maintain and wear natural hair textures and protective hairstyles without threat of discipline, differential treatment, exclusion from school activities, or other retaliation. Formal disciplinary action based on a student's hair texture or protective hairstyle is prohibited under Board Policy 7550 and this Code.

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# Conduct expectations and consequences

*Legal authority: Education Law §§2801(1) and 3214; 8 NYCRR §100.2(l); Board Policy 3410.*

## Expectations for everyone

Behavioral expectations have been established for everyone on school grounds and transportation:

1. Treat other people and their property with respect by keeping hands, feet, and objects to oneself and by refraining from derogatory comments.
2. Report to designated areas at designated times.
3. Follow expectations developed for an individual classroom.

The underlying theme of the following sections is that students of this District must conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel, and the general public, and for the care of school facilities and equipment.

The Board of Education is of the opinion that students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Given this duality of discipline, the following sections detail student behavior expectations and the consequences of that behavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on a student's ability to grow in self-discipline.

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

The Dignity for All Students Act (DASA) emphasizes the creation and maintenance of a positive learning environment for all students. In connection with disciplining students who engage in discrimination and harassment, the District shall place the focus of discipline on discerning and correcting the reasons why discrimination and harassment occurred. In addition to any disciplinary consequences imposed for acts of discrimination or harassment, the following remedial measures may be implemented:

- peer support groups
- corrective instruction or other relevant learning or service experience
- behavioral assessment or evaluation
- behavioral management plans, with benchmarks that are closely monitored

- supportive intervention
- student counseling and caregiver conference

## Level infractions and responses

The levels below and the [Quick Reference Behavior Charts](#) are guides to appropriate responses. They do not cap consequences when safety, progressive discipline based on prior conduct, or a statutory minimum penalty under Education Law §3214 and the [Disciplinary Actions section of this Code](#) requires a more serious response. When a statutory minimum penalty applies, it overrides the level framework. As a general rule, staff should apply the least restrictive effective response within any checked level(s), unless the nature of the conduct, safety, or law requires a more serious consequence.

<h1>Level Infractions and Responses</h1>	
Level 1 Infraction	Level 1 Response
Any behavior that represents an infraction of the established procedures that regulate the operation of the school and its educational process.	<p>Teacher/Staff Intervention:</p> <p><b><i>Responses may include teacher/student conversation, referral to school counselor, loss of privileges, caregiver contact, <a href="#">restorative practices</a> or <a href="#">detention</a>.</i></b></p>
Level 2 Infraction	Level 2 Response
Any behavior whose frequency and/or seriousness disrupts the educational environment.	<p>Administrative Intervention.</p> <p><b><i>In addition to Level 1 responses, the District may also include administrative counseling, detention, <a href="#">In-school suspension</a>, or temporary removal from the traditional learning environment.</i></b></p>
Level 3 Infraction	Level 3 Response
Any behavior that is more serious and poses an immediate threat to the health and safety of self or others in school or school property. These infractions may require SRO intervention.	<p>Administrative Intervention:</p> <p><b><i>In addition to Level 1 &amp; 2 interventions, responses may also include short term removal from the learning environment through <a href="#">In-school suspension</a> or <a href="#">Out-of-school suspension</a>.</i></b></p> <p>These infractions may be reported to the NYS Education Department as violent and/or disruptive incidents.</p>
Level 4 Infraction	Level 4 Response
Any behavior that is significantly more serious and/or more frequent, and that directly threatens the safety or well-being of others. These infractions may require SRO intervention.	<p>Administrative Intervention (Intensive):</p> <p>Responses may include removal from the learning environment, including <a href="#">Out-of-school suspension</a> and potential <a href="#">Superintendent's Hearing</a>, consistent with progressive discipline and any applicable statutory minimum penalties elsewhere in this Code.</p> <p>Response may also require notification to appropriate external agencies, including law enforcement.</p> <p>These infractions may be mandated to be reported to the NYS Education Department as violent and disruptive incidents.</p>

# Level Infractions and Responses

Level 5 Infraction	Level 5 Response
Behaviors that are most extreme causing bodily harm or injury, involve violence, possession of illegal substances, possession of a weapon and/or persistent Level 4 infractions. These infractions may require SRO intervention.	<p>District Administrative Intervention:</p> <p><b><i>Response will encompass all of Level 4 including the <a href="#">Superintendent's Hearing</a> to determine a long-term removal from school or alternative placement.</i></b></p> <p><b><i>Response may also require notification to appropriate external agencies, including law enforcement.</i></b></p> <p><b><i>These infractions are mandated to be reported to the NYS Education Department as violent and disruptive incidents.</i></b></p>

## Restorative practices

*Legal authority: Education Law §3214; NYSED guidance on restorative practices (used consistent with required minimum penalties and due process).*

Consistent with guidance from the New York State Education Department, restorative justice is a theory of justice that may be used proactively to strengthen community by fostering communication and empathy in response to conflict and misconduct. The term restorative practices describes a continuum of school-based approaches—including community-building circles, restorative conversations, impromptu or formal conferences, and re-entry circles—that build relationships among students and between students and staff.

Restorative practices invite those affected by conflict or misbehavior to develop a shared understanding of the causes and effects of the conduct. They seek to address the needs of those who have been harmed, encourage those who caused harm to take responsibility and repair harm, and emphasize accountability, healing, growth, and constructive problem-solving.

The District uses restorative practices as follows:

- Proactively, to promote a positive school climate, belonging, and prevention of conflict.
- At Levels 1 and 2, and when appropriate at higher levels, as an alternative or supplement to exclusionary discipline (for example, restorative conferences, mediation, counseling, reflective assignments, written or verbal apologies, restitution, or school-based service) when the student is willing to participate meaningfully and the safety of students and staff is not compromised.
- In connection with discrimination, harassment, or bullying, together with the remedial measures described under the Dignity Act and elsewhere in this Code.

- Restorative practices do not replace required minimum suspensions, mandatory reporting, law enforcement referrals, or due process under Education Law §3214 or other applicable law when those requirements apply.

Implementation of restorative practices requires appropriate staff training, principal oversight, and documentation. Restorative approaches are not appropriate when they would compromise student or staff safety, or when a student declines meaningful participation and other consequences under this Code must apply.

## Quick reference behavior charts

*Legal authority: Education Law §3214; 8 NYCRR §100.2(l); Board Policy 3410.*

The Quick Reference Behavior Charts that follow list specific infractions and show which disciplinary response levels (Levels 1-5) may apply. A checkmark in a level column means that level of response may be used for that infraction, consistent with the [Level Infractions and Responses above](#). A blank cell means that level does not apply. Staff should use professional judgment to select an appropriate response within any checked level(s), considering the nature of the conduct, safety, the student's age and prior record, and whether progressive discipline or a statutory minimum penalty elsewhere in this Code requires a particular consequence.

Quick Reference Behavior Chart					
Alcohol, Drugs, Tobacco: Possession and/or being under the influence of:	Level 1	Level 2	Level 3	Level 4	Level 5
Any tobacco product, vaping device.			✓	✓	
Any beverage containing alcohol.			✓	✓	
Any illegal substance, including marijuana or possession of paraphernalia.				✓	✓
Buying or selling of any illegal substance, including marijuana or drug paraphernalia.				✓	✓
Disruptive and Uncooperative Behaviors	Level 1	Level 2	Level 3	Level 4	Level 5
Behavior that disrupts the learning environment or the learning of other students in the classroom.	✓	✓	✓		
Lack of respectful interactions and response and compliance with staff requests.	✓	✓	✓		

## Quick Reference Behavior Chart

Inciting and/or encouraging or video taping/dispersing a student altercation. Failure to disperse when directed by adults.		✓	✓	✓	
Volatile & violent acts – Disorderly, violent, or threatening conduct of a serious nature that significantly disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises. Conduct meeting the definition of <a href="#">Violent student in the glossary</a> may trigger applicable Education Law §3214 minimum penalties.			✓	✓	✓
Entering the building or classrooms unauthorized or unsupervised before or after school.		✓	✓	✓	✓
Being in the hallway without permission and/or hall pass. Not returning to class when directed by staff.	✓	✓	✓		
Violating school safety protocols such as opening secured doors or windows to permit someone in the building.		✓	✓	✓	
Other misconduct not addressed within this plan that jeopardizes the health, safety or property of the school, personnel, students or other individuals who are present.		✓	✓	✓	✓
Insubordination, ignoring Level 4 interventions and continuing undesirable behaviors				✓	✓
<b>Attendance</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Absenteeism without the knowledge and consent of a caregiver		✓	✓		
Unexcused tardiness or absenteeism from class.	✓	✓	✓		
Leaving school or class without consent.	✓	✓	✓		
<b>Respecting materials and property of others</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Not respecting others' property by means of theft, and damaging school property or personal property of others.	✓	✓	✓		

## Quick Reference Behavior Chart

Not respecting or damaging school property, including books, technology and resources	✓	✓	✓		
<b>Academic Integrity</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Failure to show responsibility by using others' work as your own. For example, plagiarism or cheating. This applies to both an individual's work and group work.	✓	✓	✓		
<b>Firearms/Weapons</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Possession of a toy weapon for the purpose of threatening, intimidating, or coercing someone.			✓	✓	✓
Possession of any weapon other than a firearm.					✓
Possession and use of a weapon including a firearm for the purpose of harm, intimidation, or to cause a disruption. These weapons also include but are not limited to air rifles.					✓
<b>Fires/Explosives/Flammables</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Setting off a school fire alarm, falsely alarming Emergency Services, setting a fire, or an attempt to set a fire.					✓
Possession or use of combustibles, fireworks, or any explosive materials.					✓
<b>Forgery</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Falsifying a signature on any form, pass, or altering a document without consent of the owner/writer. This includes but is not limited to dates, and times.	✓	✓	✓		
<b>Inappropriate language and/or expressions</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>

# Quick Reference Behavior Chart

Use of inappropriate language towards a classmate including but not limited to: swearing and/or obscene gestures.	✓	✓	✓		
Violation of the dress code	✓	✓	✓		
Use of inappropriate language towards a staff member including but not limited to: swearing and/or obscene gestures.		✓	✓	✓	
Use of <i>serious</i> , threatening language towards anyone, including on social media. (cyberbullying, sexual threats, hate speech).			✓	✓	✓
Inappropriate language or disrespect towards students, or staff regarding equity, inclusivity, or diversity.	✓	✓	✓		
<b>Inappropriate use of technology (District-provided or personal)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Inappropriate use of an electronic device such as a cell phone, tablet or computer that inhibits and detracts from student learning. Violations of the bell-to-bell ban of Policy 7316	✓	✓	✓		
Using a device to record or take images of another person without their consent.		✓	✓	✓	✓
Recording, and/or sharing, and distributing physical contact of any kind without consent of those being recorded. This includes any posting or sharing on social media platforms or through the internet.			✓	✓	✓
<b>Non-sexual inappropriate contact</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Physical aggression towards another student regardless of intent (playful or meant for harm) but that does not reach a level of excessive physical aggression.	✓	✓	✓		
Excessive physical aggression towards another student with intent for harm, <u>including retaliation</u> . *Note: Self-defense is defined as an action taken to protect or shield oneself from a physical attack. Reacting with physical aggression towards the aggressor is NOT self-defense and may be considered excessive physical aggression as well.			✓	✓	✓

## Quick Reference Behavior Chart

Willful physical aggression towards a DCS staff member, including the use of any object used to be physically aggressive towards them with the intent to cause harm or bodily injury.				✓	✓
<b>Inappropriate exposure, touching, and/or sexual contact</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Public displays of affection including but not limited to inappropriate physical contact such as kissing and inappropriate touching.	✓	✓			
Willful non-consensual touching that is with sexual intent of a private body part by a person upon a person without consent.				✓	✓
Consensual sexual activity on school grounds, including but not limited to sexual intercourse, oral sex, exposure of breasts, genitals, buttocks or private areas and removal of someone's clothing with intent to expose private areas.			✓	✓	✓
<b>Sexually explicit, obscene, or lewd materials</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Any possession of partially nude, explicit, or pornographic materials.				✓	✓

### Process for dealing with behavior incidents

Student behavioral incidents should be handled first by the classroom teacher who is in direct control of the situation, or if the event did not occur in the classroom, by the District personnel observing the event.

Follow-up action to serious (Level 2 and above) behavioral problems should include one or more of the following:

1. A conference with the student during the day or after school with remedial action where needed.
2. A phone call/letter to caregiver(s).
3. A conference with the student's counselor/grade-level principal.
4. A written [Behavior Referral](#) Report submitted to the grade-level principal, or the psychologist, guidance counselor, chairperson or supervisor when the teacher's effort to resolve the behavioral problem has proven to be unsuccessful.

A serious behavioral problem or repeated instances of a behavioral problem within a class period may result in an immediate written referral.

The [Behavior Referral](#) Report shall indicate the nature of the follow-up action taken by the teacher. All infractions will be followed up with an electronic referral to the appropriate administrator. As often as possible, minor referrals will be reviewed by the appropriate principal after 3 p.m. each day and with a follow-up meeting with students as soon as possible.

Major infractions/referrals will generally result in a caregiver contact to discuss the child's repetitive, inappropriate behavior.

## Off-campus events

Students at school-sponsored events held off campus shall be governed by the rules and regulations of the school and are subject to the authority of the school officials.

## Search and seizure

*Legal authority: Education Law §2801; New York Constitution, Article I, §12; Board Policy 3410.*

Students may expect privacy from other students regarding their lockers, desks, or other storage areas. However, under the law, items that are school property, such as lockers, desks, computers, and other technological equipment are subject to searches by school authorities at any time. School authorities may also search students and/or their belongings where reasonable suspicion of a violation of the Code of Conduct or a violation of law exists. An administrator in the presence of another District employee shall conduct all searches. Searches can also be conducted of vehicles parked on school property when there is reasonable suspicion of a violation of the Code of Conduct or violation of the law. In all cases, the student and caregiver shall be informed as to the reason for the search.

## Role of police officials

*Legal authority: Education Law §2801(2); Board Policy 3410.*

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student, or to conduct a formal investigation involving students only if they have:

1. A search or arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

## Leaving school grounds/truancy

No student may leave the school grounds after arriving at school without approval of the administration. A caregiver requesting that a student leave school must submit a written request, in advance, to the attendance office. The request is verified and a dismissal slip is issued. When a student must leave school, the request must be in the attendance office before homeroom. In case of an emergency, the student will report to the attendance office to be signed out prior to leaving school grounds. Leaving school grounds without permission may result in suspension. Students may not be excused retroactively for leaving school grounds.

## Lunch policies and regulations

Students are NOT permitted to leave school grounds or go to parking lots during lunch without permission from an administrator.

## Attendance

*Legal authority: Education Law Article 65; Board Policy 7110 (Comprehensive Student Attendance Policy); 8 NYCRR §104.1.*

- Students are expected to attend all classes in which they are enrolled. Consistent with Board Policy 7110, unexcused tardiness, absences, and early departures may affect a student's ability to complete missed academic work. Students are not excused from assignments or material missed during an absence and must make arrangements to complete missed work.
- For course credit purposes, unexcused absences from each class may result in [Denial of Credit, described below](#). Specific expectations of participation in class will be shared with the student, and the [Attendance Review Committee](#) will use this knowledge when making recommendations if the student's performance and attendance are subpar.

Students who feel they are having trouble in class because of poor attendance are encouraged to consult with their teachers about the problems. If absences continue to accumulate, students can expect to receive warnings and advice from their Guidance Counselor, [Dean of Students](#) and principal.

In addition to these limits, the Committee will receive periodic reports from teachers on students with attendance problems.

Remember:

- There is an [Attendance Review Committee](#).
- Poor attendance can result in a variety of actions by the Committee.
- If attendance is poor enough, academic credit may be denied.

- Absences are recorded as excused or unexcused in the attendance register under Board Policy 7110; only unexcused absences count toward course-credit limits.

## Attendance Review Committee

One of the most important responsibilities of any student is regular attendance in school. The District maintains an [Attendance Review Committee](#) (grades 6–12) which monitors student attendance. The Committee evaluates student attendance problems and recommends actions to the principal. These actions may include many options. Among these are:

- Guidance counseling
- Referral to outside agencies
- Filing Person In Need of Supervision (PINS) petitions
- Involvement of the School Resource Officer

In addition to the actions above, the Committee may recommend that a student be denied academic credit. This means that, unless the student maintains a certain attendance level, they may be denied school credit for the course whether or not the student has a passing average in that course.

## Rationale

A considerable number of students each year accumulate an excessive number of absences from school. In some cases, verified illness is the cause, and adjustments are made for supplemental or modified instruction. In some cases, the absences are a direct result of disinterest or lack of concern for school. Periodic and systematic evaluation of student attendance is necessary to maintain the proper educational environment for all students.

## Function of the committee

The purpose of the [Attendance Review Committee](#) shall be to chart a course of action that will lead to improved attendance. This action may be any or all of the following:

- Recommend denial of academic credit
- Recommend guidance counseling
- Recommend administrative intervention via letter, telephone call, etc.
- Recommend to caregivers outside emergency assistance
- Recommend filing a PINS petition
- Recommend involvement of attendance officer
- Invite student to meet with Committee
- Invite caregivers to meet with Committee

- Use any other option available

When a student approaches attendance thresholds under Policy 7110, the building principal or designee will contact the caregiver(s) to review Board Policy 7110, including consequences under this Code of Conduct. The Committee may recommend an attendance hearing. The principal or designee will work with caregivers to develop an appropriate plan to improve attendance and address further unexcused tardiness, absences, or early departures.

## Denial of credit

The awarding of academic credit is based in part on attendance in class. The decision to deny credit is the responsibility of the principal, based on the outcome of a previously held attendance hearing held in accordance with Board Policy 7110. The principal determines whether the student's attendance is sufficient to meet class requirements for seat time in achieving credit.

Student attendance is calculated through a measure of minutes present in class for seat time. If a student is not present for an entire class period, arrival and departure times must be recorded with the reason noted as tardy and/or early departure. Information concerning the attendance requirement will be distributed to all students and teachers at the beginning of the school year.

## Teacher reports

Teachers should submit a [Behavior Referral](#) when they feel that absence is affecting the student's academic performance, including the number of unexcused absences and the student's approximate class average. Excused absences (including field trips, school-sponsored activities, and appointments with guidance counselor, social worker, or school administrator with required documentation) are recorded in the attendance register but do not count toward course-credit limits under Board Policy 7110.

## Excused and unexcused events

The following are considered excused or unexcused for absence, tardiness, or early departure from class or school only with the required documentation stated below, consistent with Board Policy 7110. Unexcused absences are recorded as illegal absences in the student's attendance record.

EXCUSED ABSENCES	UNEXCUSED ABSENCES
Medical appointment/illness (doctor's note upon request)	Personal illness (without required documentation)
Family death	Vacations
Religious observance	Senior skip day/skipping school

<b>EXCUSED ABSENCES</b>	<b>UNEXCUSED ABSENCES</b>
Field trips/school sponsored activities (with permission to participate), district organized sporting events	Oversleeping
College visitations (letter from Admissions Office required)	Missed school bus/car problems
Court appearance or legal proceedings (legal papers confirming appearance date and time required)	Truancy
Military obligations	Shopping
Approved cooperative work programs	Employment
Appointments with guidance counselor, social worker, or school administrator	Fire calls
Road test (confirmation document of date and time required)	Learner's permit test

All other tardiness, absences, or early departures not listed as excused shall be considered unexcused. Caregivers must provide a written explanation upon the student's return to school. Students who demonstrate a pattern of unexcused absences are subject to this Code of Conduct and Board Policy 7110.

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# Bullying and cyberbullying

*Legal authority: Education Law §§10-18; 8 NYCRR §§100.2(c)(1) and 100.2(kk); Board Policy 7550.*

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying and cyberbullying of a student by another student is strictly prohibited at all times. The range of possible intervention activities and/or sanctions for bullying is contained within the [Conduct Expectations and Consequences](#) (including the level framework and quick reference behavior charts) and [Disciplinary Actions below](#).

Bullying can take three (3) forms:

- a. Physical: including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings;
- b. Verbal: including, but not limited to, taunting, malicious teasing, name calling, making threats;
- c. Psychological: including, but not limited to, spreading rumors, manipulating social relationships, or engaging in social exclusion, extortion, or intimidation.

Cyberbullying 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 e-mail messages, instant messages, text messages, digital pictures or images or internet postings, including social media, blogs or any other available manner.

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# Extracurricular and athletic expectations

*Legal authority: Education Law §2801(1); 8 NYCRR §135.4 (extra class activities); Board Policy 3410.*

Extracurricular activities are vital to a successful school environment. Student athletes and participants in extracurriculars are expected to perform as role models for our student body and our community. They understand that these expectations apply to the school environment, field of competition, and in the community.

Duanesburg Central School District's athletic Code of Conduct augments the rules and standards of the District as well as those established by NYSPHSAA Section 2, and the Western Athletic Conference. The codes establish standards for the behavior of student athletes, and are in effect at all times and in all places.

## Academic eligibility

As the District's primary responsibility is academic success, all participants must maintain an overall grade average of 70. Students not in good academic standing will be ineligible for participation in extracurricular activities or athletics.

## Excused absences

Students must be in school on time to participate in extracurricular activities. Students arriving after the beginning of period 2 should attend but not participate in practice, game or event on that day unless it is an excused tardy, which must be accompanied by a doctor's note or other pre-approved excuse. Activity participation will also be restricted, unless the absence or tardy is excused.

At a coach's discretion, a student-athlete may request in advance to be excused from practice or a game/match. Excused absences will be granted for illness, overlapping school activities, or family emergencies only.

## Sports physical

Sports physicals are provided by the District at no cost to our student-athletes. A student may choose to have a sports physical through a private physician; however, school district forms must be completed by the physician and all costs incurred are the responsibility of the student-athlete. A sports physical is in effect for one school year. A current Health History Update form must be completed by the caregiver for any physical over 30 days old. A sports physical is required before participation in any interscholastic school sport is permitted.

## Insurance/accident statement

Interscholastic athletics involve the risk of injury to the participants. In case of an injury, coaches and qualified school personnel are authorized to provide first-aid and arrange for emergency treatment they deem necessary. Duquesne Central School District carries a secondary insurance policy for injuries. The caregiver's insurance will be billed first. The school's insurance may not completely pay all bills. The caregiver will be responsible for bills not paid by insurance. It is the responsibility of the athletes to report all injuries to their coach immediately. The coach will then complete appropriate accident reports and file the report with the school nurse.

## Competitive levels

Interscholastic sports at Duquesne Central School District consist of 3 levels; Modified, Junior Varsity (JV) and Varsity. The competitive level and ideology of each level dictates the expectation of playing time.

### Modified

The primary focus of Modified athletics is skill development, fitness, and knowledge of the game/sport. Participation in live competition is key to this development. Athletes are expected to attend all practices and events. Barring health, safety, academic, or disciplinary reasons, playing time at this level is maximized to provide students with live competition.

### Junior Varsity

The primary focus of Junior Varsity athletics is preparing athletes to compete at the Varsity level. Emphasis shifts to team development and competitive performance. The disparity in playing time will begin to shift according to skill levels, sport/game sense, and physical fitness levels. Live competition is still necessary for continued growth and coaches are expected to provide playing time to athletes who show commitment to continued growth.

### Varsity

The focus of Varsity athletics is to compete at the highest level possible. The coach has a responsibility to field the most competitive team possible. Playing time at this level is a decision made solely by the varsity coach. There will be a disparity of playing times as they field a starting unit consisting of the athletes who will give the team the best opportunity of success.

## Select classification

Athletes in grade 7 or 8 who feel they are physically ready and have the skill set required to compete at a JV or Varsity level may request to be selectively classified. This involves a physical exam, fitness test, and skills assessment. If you are interested, more details are available at [NYSPHSAA Section II](#). Students who meet the requirements for select classification are eligible to try out for JV or Varsity.

Important: A sports physical is not necessarily the same as a routine physical examination. If a student is examined by a private physician for participation in sports, it is essential that a school sports physical form be completed by the physician. Students in grades 7 and 8 should request a Tanner Score be included as part of the physical.

## Equipment/uniform care

All equipment and uniforms issued by the District will be the responsibility of the individual athlete. Uniforms are to be worn for competition or at the direction of the coach only. Student-athletes are expected to change as soon as possible after a meet/game.

Any equipment damaged or not returned must be paid for.

Students not paying for the articles/equipment will forfeit their right to participate in another sport or activity, receive any additional equipment or clothing, and will be ineligible for any awards until payment is received. It is the student-athlete's responsibility to notify the Director of PE & Athletics of such cases.

## Transportation policy

The District will arrange transportation for all contests and practices as applicable. The departure time for each game will be shared with the athletes by the coaches and be posted on the announcements on the day of the contest.

All student-athletes are expected to ride to and from athletic contests in the vehicle provided by the District.

A student may ride home from an athletic contest with their caregiver. The caregiver must give the coach written permission and sign the athlete out at the conclusion of the contest. Students may ride home with the caregiver of a teammate only with prior written approval. The student must submit written permission to the athletic department by 12:00pm on the day of the contest. The District will verify the note and notify the coach.

## Section II code of conduct for spectators

- Spectators are an important part of the games and are encouraged to conform to accepted standards of good sportsmanship and behavior.
- Spectators should, at all times, respect officials, visiting coaches, players and cheerleaders as guests in the community and extend all courtesies to them.
- Enthusiastic cheering for one's own team is encouraged.
- Booning, whistling, stamping of the feet, and disrespectful remarks shall be avoided.
- There will be no ringing of bells, sounding of horns or other noisemakers at indoor contests during play. Anyone who does not abide by this rule will be asked to leave the premises.

- Pep bands or school bands, under the supervision of school personnel, may play during timeouts, between periods or half time. Bands must coordinate play as not to interfere with a cheerleading squad on the floor or field.
- The throwing of debris, confetti or other objects from the stands is prohibited.
- Offending individuals will be asked to leave the premises.
- During free throws in basketball, all courtesies should be extended.
- Spectators should encourage each other to observe courteous behavior. Improper behavior should be reported to the school authorities.
- Spectators will observe the rules of the local school concerning smoking and alcohol consumption, littering, and parking procedures.
- Spectators will respect and obey all school officials and supervisors at athletic contests.
- Violations of good sportsmanship will result in possible removal from the event.

## Duanesburg coaches and advisors

Coaches and advisors will behave as role models for students and the community and will follow the expectations, rules, and ethical codes as established in this document. Additionally, athletic coaches will also conform to the expectations as defined by NYSPHSAA, Section II, and the WAC.

It is their responsibility to maintain current certifications and strictly adhere to all safety mandates. It is their obligation to treat everyone with respect while providing them a top quality learning and competitive experience.

## Duanesburg coaches handbook

The [Coaches Handbook](#) serves as a comprehensive guide outlining the expectations, responsibilities, and professional standards for all athletic coaches within the District. The handbook establishes clear guidelines regarding coaching conduct, supervision of student-athletes, communication with families, eligibility requirements, safety protocols, and adherence to District policies and applicable state regulations.

In addition, the handbook provides direction on program management, sportsmanship, ethical behavior, student wellness, and compliance with athletic governing bodies. It reinforces the District's commitment to maintaining a safe, inclusive, and educationally sound athletic environment that supports student growth both on and off the field of play.

All coaches are expected to review and comply with the provisions contained within the Coaches Handbook as a condition of their appointment. Behavior not in line with the handbook may result in disciplinary action, including dismissal as a coach and ineligibility to coach future programs.

## Rule infractions and consequences

The following infractions will result in the student athlete being suspended from a minimum of one event. During this suspension, the coach, in collaboration with District administration, may allow the student to practice. They will not be allowed to suit up or participate in the scheduled game/meet.

1. Any behavior resulting in the student athlete being assigned In-school or [Out-of-school suspension](#).
2. Disrespect/unsportsmanlike conduct resulting in ejection from a game/practice.
3. Behavior raised to a level where it detracts from the team (including comments).
4. Failure to abide by the rules and expectations established by the coach.
5. Engaging in bullying or inappropriate behavior towards teammates, opposing teams or officials.

The following infractions will cause the athlete to be suspended for a minimum of 25% of the sports season to a maximum of one (1) school year. The length of the suspension, as well as any additional consequences from school, may be determined at a Superintendent's Hearing.

1. Behavior resulting in a second In-school or [Out-of-school suspension](#).
2. A second incident of disrespect/unsportsmanlike conduct resulting in ejection from a game/practice.
3. Continued behaviors of bullying and inappropriate behavior towards teammates, opposing teams or officials.
4. Hazing.
5. Attending an event where underage alcohol consumption is taking place or where there is presence/use of illegal drugs.
6. Use or possession of paraphernalia related to the use of drugs, tobacco and alcohol.
7. Use or possession of tobacco.
8. Unexcused absence from a game/match.
9. Any behavior on or off grounds that results in the involvement of law enforcement.
10. Continued failure to follow rules and expectations established by the coach.

In addition to the Athletic Code of Conduct, Coaches may establish rules and expectations for their teams, including practice policies. These will be approved by the athletic department and distributed to all athletes at Meet the Coaches Night or before the first practice. A copy of rules and expectations will be available for review by request to the athletic department. The coach

has the authorization to bench an athlete for one or more games for failure to abide by the established rules and expectations.

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# Off-campus conduct

*Legal authority: Education Law §§10-18 and 2801(1); Board Policy 7550 and Board Policy 3410.*

The District may address student behavior that occurs off school property and outside of school hours, including conduct occurring online or through electronic communication, when such behavior creates, or is reasonably expected to create, a material or substantial disruption to the school environment or interferes with the safety, well-being, or rights of students or staff.

Examples of off-campus conduct that may fall under this Code include, but are not limited to:

- Harassment, bullying, or discrimination of a student or staff member, including conduct prohibited under the Dignity Act, when such behavior foreseeably impacts the school climate.
  - Threats, intimidation or acts of violence that target members of the school community.
  - Creation, posting, or sharing of digital content (e.g. social media posts, images, videos or messages) that demeans, harasses, or threatens students or staff, or that encourages harmful behavior at school or school functions.
  - Misconduct that occurs at non-school events where students are present and which results in conflict, disruption, or safety concerns within the school environment.
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# Reporting violations

*Legal authority: Education Law §§10-18, 2801, and 3214; Board Policy 7550; Board Policy 3420 and Board Policy 3421 (Title IX).*

All members of the school community, including students, are expected to [promptly report violations of the Code of Conduct](#) to a teacher, guidance counselor, or the building principal. Any student observing another student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal or the Superintendent.

Anyone observing harassment or discrimination against another member of the educational community shall report this information immediately to a teacher, the building principal, the Superintendent, or the [Dignity Act Coordinator](#). Following the report, the District shall investigate or otherwise determine what occurred and should take prompt and effective steps reasonably calculated to end the harassment or discrimination, eliminate any hostile environment, and prevent the conduct from reoccurring.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to the building principal who shall, in turn, impose an appropriate disciplinary sanction.

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible. The caregiver(s) of the student involved will be notified of the incident and the appropriate disciplinary sanction, if warranted, which may include [long-term suspension](#) and referral to local authorities. The building principal must notify the Superintendent and appropriate local law enforcement agency of those Code violations that constitute a crime.

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# Disciplinary Actions

*Legal authority: Education Law §3214; Education Law §3214-a; 8 NYCRR §100.2(l); Board Policy 3410.*

Disciplinary action under this Code is governed by the expectations and level framework set forth under [Conduct expectations and consequences above](#). When a penalty is imposed, school personnel will apply the principles below in addition to those expectations.

Discipline is most effective when it is addressed directly, at the time and place the problem occurs, in a manner students view as fair and impartial. Disciplinary action, when necessary, will be firm, fair, and consistent.

In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from caregivers, teachers and/or others, as appropriate
6. Other mitigating and extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, the circumstances and seriousness of any individual matter may warrant more severe penalties.

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

## Penalties

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of District staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, Superintendent

3. Written notification to caregivers – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, Superintendent
4. Detention – teachers, principal, Superintendent
5. Suspension from transportation – director of transportation, principal, Superintendent
6. Suspension from athletic participation – coaches, athletic coordinator, principal, Superintendent
7. Suspension from social or extracurricular activities – teacher, coach, athletic administrator, principal, Superintendent
8. Suspension of other privileges – principal, Superintendent
9. Reduction in grade or grade of zero for cheating or plagiarism — teacher, principal, Superintendent
10. [In-school suspension](#) – principal, Superintendent
11. [Out-of-school suspension](#) – principal, Superintendent
12. Removal from classroom by teacher – teacher, principal
13. Referral to a Pre-Superintendent Conference – teachers, principal, Superintendent
14. Short-term (five days or less) suspension – principal, Superintendent, Board of Education
15. Long-term (more than five days) suspension – Superintendent, Board of Education
16. Permanent suspension – Superintendent, Board of Education

## Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their caregiver(s) are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

## Detention

Teachers, principals and the Superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After-school detention will be imposed only on days when District transportation home is available. The District shall maintain after school transportation on a sufficient number of days each week to ensure detention is available as a meaningful and regularly accessible disciplinary consequence.

## Suspension from transportation

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's caregiver will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education consistent with any applicable legal requirements. A student subjected to a suspension from transportation is not entitled to a hearing pursuant to Education Law §3214. However, the student and the student's caregiver(s) will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

## Suspension from athletic participation, extracurricular activities and other privileges

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

## In-school suspension (ISS)

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals 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." A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's caregiver(s) 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 penalty involved.

## Out-of-school suspension (OSS)

*Legal authority: Education Law §3214 and §3214-a; 8 NYCRR §100.2(l); Board Policy 3410.*

Suspension from school is a severe penalty that may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the building principals and the Superintendent. Any staff member may recommend to the principal or Superintendent that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member witness to the offense. The principal or Superintendent, upon receiving a referral that may result in suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### Short-term (5 days or less) suspension

When the principal or Superintendent (suspending authority) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension.

The suspending authority must also notify the student's caregiver(s) in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension at the last known address for the caregiver(s). Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting the caregiver(s).

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed, and shall inform the caregiver(s) of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the caregiver(s). At the conference, the caregiver(s) shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the caregiver(s) in writing of their decision. The principal shall advise the caregiver(s) that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the caregivers are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

### Long-term (more than 5 days) suspension

When the building principal or Superintendent determines that a suspension for more than five (5) days may be warranted, they shall give reasonable notice to the student and the student's caregiver(s) of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

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

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within ten (10) business days of the date of the Superintendent's decision, unless the caregivers can show that extraordinary circumstances precluded them from doing so. The Board may adopt, in whole or in part, the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

### Permanent suspension

*Legal authority: Education Law §3214(3)(c) (expulsion); Board Policy 3410.*

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

## Student who brings a weapon to school

*Legal authority: Education Law §3214(3)(d); Gun-Free Schools Act, 20 U.S.C. §7151(b)(1); 18 U.S.C. §921; Board Policy 3410.*

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The Superintendent's assessment that other forms of discipline may be more effective.
- Input from caregiver(s), teachers, and/or others.
- Other extenuating circumstances.

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

## Student who commits violent acts other than bringing a weapon to school

*Legal authority: Education Law §3214(3)(a); Board Policy 3410.*

Any student, other than a student with a disability, who is found to have committed a violent act as defined in the glossary under ['Violent student.'](#) other than bringing a weapon onto school property or possessing a weapon on school property, shall be subject to suspension from school for at least five (5) days.

If the proposed penalty is the minimum five-day suspension, the student and the student's caregiver(s) will be given the same notice and opportunity for an informal conference given to all students subject to a [short-term suspension](#). If the proposed penalty exceeds the minimum five-day suspension, the student and the student's caregiver(s) will be given the same notice and opportunity for a hearing given to all students subject to a [long-term suspension](#). The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## Students who are repeatedly substantially disruptive of the educational process

*Legal authority: Education Law §3214(3-a); Board Policy 3410.*

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for a minimum of one (1) to five (5) days.

For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being [removed from the classroom pursuant to Education Law §3214\(3-a\) and this Code](#) on four or more occasions during a semester, or three or more occasions during a trimester.

The student and the student's caregiver(s) will be given the same notice and opportunity for an informal conference given to all students subject to a [short-term suspension](#). If the proposed consequence exceeds a five-day suspension, the student and the student's caregiver(s) will be given the same notice and opportunity for a hearing given to all students subject to a [long-term suspension](#). The Superintendent has the authority to modify suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## Referrals

*Legal authority: Education Law Article 65 and Family Court Act Article 7 (PINS); Penal Law §221.05; Criminal Procedure Law §1.20(42); Education Law §3214.*

### Counseling

The School Social Worker or Guidance Office shall handle all referrals of students to counseling within the school setting or to outside community services.

### PINS petitions

The District may file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that they require supervision and treatment by:

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

## Juvenile delinquents and juvenile offenders

*Legal authority: Criminal Procedure Law §1.20(42); Family Court Act; Education Law §3214; Board Policy 3410.*

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the 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).

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

# Teacher disciplinary removal of disruptive students

*Legal authority: Education Law §3214(3-a); Safe Schools Against Violence in Education (SAVE) Act, Education Law §§2801(1) and 2801-a; Board Policy 3410.*

In most instances, the classroom teacher can manage a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom. Such practices may include, but are not limited to, an opportunity for the student to regain composure and self-control in an alternative setting. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

Under the SAVE Act, a teacher may remove a violent or disruptive student from class when the student's conduct poses a danger, is substantially disruptive, or substantially interferes with the teacher's authority over the classroom. Such disruption occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove such a student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why 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 a teacher remove a student from class.

If a teacher determines that a student presents a danger or an ongoing threat of disruption to the academic process, a teacher may remove a student from class immediately. By the end of the school day, the teacher must notify the building principal, in writing, and explain why the student was removed. The student will be provided an opportunity to present their version of the events within twenty-four (24) hours.

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

Within 24 hours of the removal, the principal must initially notify the student's caregiver(s), by phone and then in writing, that the student has been removed from class and why. The notice must inform the caregiver(s) that they have the right, upon request, to meet informally with the principal to discuss the reasons for the removal.

If the student denies the charges, the principal shall provide an explanation of the basis for the removal and shall allow the student or caregiver(s) an opportunity to explain the student's version of relevant events. The informal conference shall be held within two business days of the student's removal unless a later time is agreed to by the student or caregiver(s). The principal may require the teacher who ordered the removal to attend the informal conference if held during normal working hours.

The principal may overturn the removal of the student from class if the principal finds any one of the following:

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

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

Each teacher must keep a complete log (on a District-provided form) for all cases of removal of students from their class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change of placement. Accordingly, no teacher may remove such a student until they have verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

# Discipline of students with disabilities

*Legal authority: IDEA, 20 U.S.C. §§1400 et seq. and 34 CFR §§300.530–300.536; Education Law §4404 and Article 89; Section 504, 29 U.S.C. §794; 8 NYCRR Part 201; Board Policy 3410.*

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

## Authorized suspension or removals of students with disabilities

For purposes of discipline of students with disabilities under this section, the terms Suspension, Removal, Interim Alternative Educational Setting ([IAES](#)), Serious bodily injury, Weapon, Controlled substance, and Illegal drug have the meanings set forth in the [glossary and definitions section of this Code](#).

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

- a. The principal or Superintendent may order the placement of a student with a disability into an IAES, another setting, or a suspension for a period not to exceed five (5) 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 a suspension for up to ten (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 ten (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 to an IAES to be determined by the Committee on Special Education (CSE), for up to forty-five (45) school days, but not to exceed the period of suspension ordered by the Superintendent, where the student has inflicted serious bodily injury upon another person; carries or possesses a weapon on school property; or possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while on school property. The period of

suspension may not exceed the amount of time that a non-disabled student would be suspended for the same behavior.

- e. An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

## Change of placement determination

[Disciplinary change in placement](#) has the meaning set forth in the glossary.

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 suspensions or removals.

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

## Functional behavioral assessment and behavioral intervention plan

Where a student with a disability is suspended or removed from the student's current placement for more than ten (10) consecutive school days, or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the CSE shall:

1. conduct a functional behavioral assessment (FBA), and if appropriate, develop and implement a behavioral intervention plan for such student; or
2. If the student already has a behavioral intervention plan, the CSE shall meet to review such plan and its implementation and modify the plan and its implementation as necessary to address the behavior that resulted in the change of placement.

## Manifestation determination

[Manifestation determination](#) has the meaning set forth in the glossary.

A manifestation determination should be made immediately, but in no case later than ten (10) school days after a decision of the following:

1. By the Superintendent to change the placement of a student to an IAES;
2. By an impartial Hearing Officer to place a student in an IAES; or

3. By the Board of Education, BOCES District Superintendent, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.

A manifestation determination shall be conducted in a meeting which must include a representative of the District knowledgeable about the student, and the interpretation of information about child behavior, the caregiver(s) and relevant members of the CSE as determined by the caregiver(s) and District. The caregiver(s) must receive written notification prior to any manifestation team meeting similar to prior notice requirements under the Regulations of the Commissioner of Education regarding students with disabilities.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the caregiver(s) to determine if the:

1. conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
2. conduct in question was the direct result of the District's failure to implement the IEP.

If the manifestation team determines that either paragraph 1 or 2 above is applicable, the behavior shall be considered a manifestation of the student's disability.

If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall conduct a functional behavioral assessment and implement a behavioral intervention plan, and return the student to the placement from which the student was removed, unless the caregiver(s) and District agree to a change of placement.

If the District identifies deficiencies in the student's IEP or placement, or in their implementation, it must take immediate steps to remedy those deficiencies.

## Students presumed to have a disability for discipline purposes

The caregiver(s) of a student who violates any District rule or the Code of Conduct and has not been identified as a student with a disability at the time of such behavior may assert any of the protections set forth in the Federal and State Education Law and Regulations if the District is deemed to have had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Where the District is deemed to have had knowledge that the student was a student with a disability before such behavior occurred, such student is presumed to have a disability for discipline purposes.

The District shall be deemed to have had knowledge that such student had a disability if, prior to the time the behavior occurred:

- the caregiver(s) of the student had expressed concern in writing to administrative personnel or to one or more of the student's teachers that the student needed special education;
- the caregiver(s) of the student requested an evaluation of the student; or

- a teacher of the student, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the student directly to administrative personnel in accordance with the District's child find or special education referral system.

A student is not a student presumed to have a disability for discipline purposes if:

- the caregiver(s) of the student did not allow an evaluation of the student;
- the caregiver(s) of the student refused services; or
- it was determined that the student was not a student with a disability.

If it is claimed that the District had a basis for knowledge that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the principal or Superintendent to determine whether the student is a student presumed to have a disability.

If the principal or Superintendent determines that there is no basis for knowledge that the student is presumed to have a disability, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in similar behaviors. A request for an individual evaluation made while such non-disabled student is subjected to a disciplinary removal should be conducted in an expedited manner. An expedited evaluation shall be completed no later than fifteen (15) school days after receipt of the request for evaluation. The CSE shall make a determination of eligibility of such students in a meeting held no later than five (5) school days after completion of the expedited evaluation. Until the expedited evaluation is completed, the non-disabled student shall remain in the education placement determined by the District, which can include suspension.

## Due process procedures

Where a student is suspended for five (5) consecutive school days or less, the caregiver(s) shall be provided an opportunity for an informal conference in accordance with Education Law §3214(3)(d).

Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be conducted in two phases: a conduct phase and a penalty phase.

### Conduct phase

The Superintendent shall first determine whether the student committed the alleged misconduct.

- If the student is found not responsible, the hearing is dismissed.
- If the student is found responsible, the Superintendent shall determine whether the proposed consequence would exceed ten (10) consecutive school days and/or constitute a disciplinary change in placement.

## Manifestation determination

If the proposed consequence would exceed ten (10) consecutive school days and/or constitute a disciplinary change in placement, the Superintendent's hearing shall be adjourned until the required manifestation determination is completed. No recommendation for such removal shall be made before that determination.

If the proposed consequence would not exceed ten (10) consecutive school days and would not constitute a disciplinary change in placement, the hearing shall proceed directly to the penalty phase.

Upon a determination by the manifestation team that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student. Upon receipt of notice of that determination, the Superintendent shall proceed to the penalty phase.

If the manifestation team determines that the behavior was a manifestation of the student's disability, the Superintendent shall dismiss the hearing.

If the Superintendent is considering placement of a student with a disability in an IAES upon a finding that the student committed misconduct involving serious bodily injury, weapons, illegal drugs, or controlled substances, the Superintendent may recommend such placement to the CSE for up to forty-five (45) school days, but not to exceed the length of time a non-disabled student would be suspended for the same misconduct under this Code.

## Penalty phase

The penalty phase shall be conducted in the same manner as for a non-disabled student, including admission of anecdotal evidence of past instances of misconduct.

## Services during suspensions

During any period of suspension, a student with a disability shall be provided services to the extent required under the provisions of the Individuals with Disabilities Education Act and New York State Education Law and Regulations. During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law §3214(3)(e) on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to non-disabled students of the same age who have been similarly suspended.

During subsequent suspensions or removals for periods of ten (10) consecutive school days or less that, in the aggregate total more than ten (10) school days in a school year, but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the

goals set out in the student's IEP. The CSE shall determine the services to be provided to the student.

During suspensions or other disciplinary removals for periods in excess of ten (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services, as determined by the CSE, necessary to enable the student to continue to participate in the general education curriculum to progress toward meeting the goals set out in the student's IEP.

The services to be provided to a student placed in an IAES shall be determined by the CSE, and should enable the student to progress toward meeting the goals in the student's IEP.

## Expedited due process hearings

An expedited due process hearing shall be conducted if:

- The District requests such a hearing to obtain an order of an impartial Hearing Officer placing the student in an IAES where school personnel believe that it is dangerous for the student to be in their current educational placement;
- The District requests such a hearing to obtain an order of an impartial Hearing Officer placing the student in an IAES during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings; or
- The caregiver 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.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving serious bodily injury, 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 caregiver(s) and the District agree otherwise.

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.

An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial Hearing Officer may grant specific extensions of such time period, they must mail a written decision to the District and the caregiver(s) within five (5) business days after the last hearing date, and in no event later than forty-five (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:

- The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a disciplinary change in placement.
- The Superintendent shall ensure that copies of the Special Education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, in accordance with the provisions of FERPA.

# Visitors to school

*Legal authority: Education Law §2801(1); Board Policy 3410.*

The Board of Education encourages caregivers and other District community members or District personnel to visit the District's schools and classrooms to support 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 their 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:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All employees in school buildings will wear their DCS ID badges.
- All visitors to the school must report to the main office or designated area upon arrival at the school. All visitors must present photo identification which will be screened by our visitor management system. Each visitor will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out at the main office or designated area before leaving the building.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register, but are required to remain in the location of the activity.
- Caregivers or citizens who wish to visit a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and will be permitted at the discretion of the building principal or designee in order to keep class disruption to a minimum.
- Teachers are not expected to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct. Any violation will be reported to the principal or their designee.
- No students will leave school prior to the end of the school day unless they are signed out in the office per school procedures.
- Administrative permission must be granted to meet with a student during the school day or at school sponsored events.

- Visitors who are volunteers must have a completed and approved application form, including contact information and references, on file in the building's main office prior to volunteering. A volunteer shall be defined as a person willing to donate their time and skills to assist school personnel in the implementation of various programs and activities within the District.

# Public conduct on school property

*Legal authority: Education Law §2801(1); Board Policy 3410.*

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons on school property or attending a school function including students, teachers, and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

## Prohibited conduct

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program.
- Intimidate, harass, or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, national origin, religion, age, sexual orientation, sex, gender, gender identity or expression, or disability on school grounds or at a school function.
- Enter any portion of the school premises or remain in any building or facility without authorization.
- Obstruct the free movement of any person in any place to which this code applies.

- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute, or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or as specifically authorized by the District.
- Loiter on school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable District officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance, or Board of Education policy while on school property or while at the school functions.

## Consequences

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

- Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest.
- Visiting students: Their home district will be notified of the violations, and they may not be allowed back on school grounds, even as part of an athletic event.
- Students: They may be subject to counseling or to disciplinary action [outlined in this Code](#) of Conduct as the facts may warrant.

## Enforcement

The building principal and all staff members are responsible for enforcing the conduct required by this Code. When the building principal or any other staff member 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 attempt to direct the individual to stop.

The principal or their designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or their designee shall

have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student, as appropriate, with the “Consequences” section above. In addition, the District reserves the right to pursue a civil or criminal legal action against any person violating the Code.

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# Glossary and definitions

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

## Academic dishonesty

Plagiarism, copying another's work, altering records, and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using text, 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.

## Behavior violations

Student behaviors that are inappropriate in school, unacceptable, or that warrant response, interventions and consequences.

## Bomb threat

The making of threats or providing of false information, in writing, in person, on the phone, or by text message or other means, about the presence of explosive materials or devices on school property, without cause.

## Bullying

Repeated intentional acts done willfully, knowingly and with deliberation, by an individual that targets and harms another person physically or emotionally. Bullying is characterized by an imbalance of power between two students.

## Caregiver

Biological, adoptive, or foster parent; guardian; or person of record in parental relation to a student.

## Child Find

A legal mandate under the federal Individuals with Disabilities Education Act (IDEA) requiring states and local school districts to actively locate, identify, and evaluate all children with disabilities (from birth through age 21) who may require special education services.

## Child pornography

Sexually explicit images of children younger than 17 years of age.

## Consequence

A result or response that follows an action.

## Controlled substance

A drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both Federal and State law and regulations.

## Criminal behavior

Any behavior that is considered a violation against municipal, state or federal laws.

## Cyberbullying

Harassment or bullying, where such harassment or bullying occurs through any form of electronic communications.

## Damage to property

Damage, destruction or defacement of property belonging to the school or others.

## Dignity Act Coordinator

An employee designated by the Board of Education who ensures full compliance with the Dignity for All Students Act (DASA) under Education Law §§10-18 and Board Policy 7550 and is trained to address issues in areas protected by the law. [Dignity Act Coordinators](#) manage documentation, processing, actions and interventions enforcing DASA.

## Discrimination

Unjust or prejudicial treatment toward any student by a student(s) and/or employee(s) 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, sex, or any other protected class.

## Disciplinary change in placement

A disciplinary change in placement occurs when a student is suspended or removed from their current educational placement in either of these situations:

- Long single removal: The removal lasts more than ten (10) consecutive school days.
- Pattern of shorter removals: The student has one or more removals of ten (10) consecutive school days or less, but those removals form a pattern that adds up to more than ten (10) school days in a school year. Whether removals form a pattern depends on factors such as:
  - the length of each suspension or removal;
  - the total amount of time the student is removed; and
  - how close together the suspensions or removals occur.

## Electronic technology

Devices and equipment such as cell phones, computers, tablets.

## 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 program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

## Ethnic group

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

## Gender

Actual or perceived sex, which includes a person's gender identity or expression.

## Gender expression

The way in which someone expresses gender identity to others through behavior, clothing, hairstyle, activities, voice or mannerisms.

## Gender identity

The way in which someone self-identifies as being male or female. Gender identity is internal and not necessarily visible to others.

## Harassment

The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would interfere with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being or threats, intimidation or abuse that cause or would be expected to cause a student to fear for their physical safety.

## Hate speech

Hate speech is any form of communication—verbal, written, or behavioral—that attacks, threatens, insults, or degrades a group or individual based on attributes like race, religion, sexual orientation, gender identity, or disability.

## Hazing

A specific form of harassment among students 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 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; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or District policies/regulations.

## Illegal drug

A controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional, or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

## Inciting or participating in a disturbance

Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for learning (such as a riot).

## Insubordination

The refusal by a student to follow a reasonable directive from any authorized school staff member.

## Interventions

Specific programs, strategies, restorative practices, skill-building sessions and individual and group counseling activities, among other things, that enable students to reflect on behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflict; and develop goals and plans to get back on track.

## Interim alternative educational setting (IAES)

A temporary educational placement determined by the Committee on Special Education (CSE) for a period of up to forty-five (45) days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES is intended to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive services and modifications, including those described on the student's current individualized educational program (IEP). An IAES is also intended to enable the student to meet the goals set out in such IEP, and may include services and modifications to address the behavior which precipitated the IAES placement, and which are designed to prevent the behavior from recurring.

## Manifestation determination

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability.

## Multi-tier system of supports (MTSS)

A framework meant to support students in achieving their best possible academic and social-emotional outcomes.

## National origin

A person's country of birth or ancestor's country of birth.

## Persistent

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

## Physical attack on students

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

## Physical attack on employee

A student or students set upon an employee in a forceful, hostile or aggressive way with or without provocation.

## Physical aggression

Behavior causing or threatening physical harm toward others including, but not limited to, hitting, kicking, biting and shoving.

## Physical altercation between two or more students

Physical aggression (use of physical force) that may or may not result in injury.

## Race

Group of persons related by common descent or heredity.

## Reckless endangerment

Conduct that creates a substantial risk of serious physical injury or death to another person.

## Religion

Either religious or spiritual belief or preference.

## 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.

## Restorative practices

A continuum of school-based approaches, consistent with New York State Education Department guidance, used proactively to build community and reactively to address conflict or misconduct by focusing on harm caused, accountability, and repair of relationships.

## Removal

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 themselves or others.

## 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.

## 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

Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

## Sexual orientation

Actual or perceived heterosexuality, homosexuality, or bisexuality.

## Student with a disability

A student with a disability, as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and 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 department.

## Suspension

Temporary removal of a student from school property or standard class schedule pursuant to Education Law §3214(3)(a) through (d).

## 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 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, or transfer of stolen goods includes the act of possessing and transferring the property of another without the consent of the owner.

## Threat assessment

A process used to evaluate the risk posed by a student or another person, typically as a response to an actual or perceived threat or threatening behavior.

## Trespassing

Being on school property without permission, including while suspended.

## Using or possessing

Consuming alcohol, drugs or inhalants or in possession of these substances on school property or at school functions.

## Violent student

An elementary or secondary student under the age of 21 who: commits an act of violence against any school employee; commits an act of violence on school property against any student or other person lawfully on school property; possesses, on school property, a gun, knife, incendiary bomb, or other dangerous instrument capable of causing physical injury or death; threatens, on school property, to use any instrument that appears capable of causing physical injury or death; knowingly and intentionally damages or destroys the personal property of any person lawfully on school property; or knowingly or intentionally damages or destroys District property.

## Weapon

A firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. Weapons also include 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. Additionally, the use of an item not listed here in a threatening or damaging way may also be viewed as usage of a weapon.

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# Dissemination and review

*Legal authority: Education Law §2801(1); 8 NYCRR §100.2(l)(2); Board Policy 3410.*

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

1. Providing the Code of Conduct Summary Document to each student/caregiver of the District via the District Handbook, or other similar document, at the start of each school year.
2. Providing a link on the District website of the Code of Conduct document in its entirety.
3. Making copies of the Code of Conduct available to all caregivers at the beginning of the school year at Open House events.
4. Generating a plain language version of this Code of Conduct to be given to all students and caregivers at the beginning of the school year. Signatures of understanding of the student and caregiver(s) will be collected prior to the student participating in any extracurricular activities.
5. Providing all current and new employees with a copy of the current Code of Conduct.

The Board of Education will review this Code of Conduct annually 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.

Before adopting any revisions to the Code of Conduct, the Board will hold at least one public hearing at which school personnel, caregivers, students and any other interested party may participate.

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