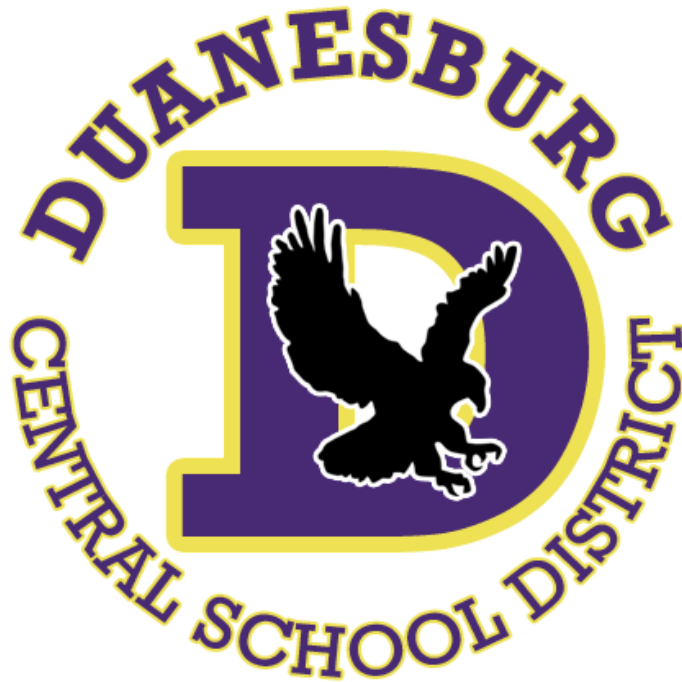


# Duanesburg Central School District



## CODE OF CONDUCT

Board of Education

*2022 - 2023*

Readopted August 2022

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## I. INTRODUCTION

The Board of Education (“Board”) is committed to providing a safe and orderly learning environment where students may receive and District personnel may deliver quality educational services without disruption or interference while respecting the dignity of all students. Responsible behavior by students, teachers, other District personnel, parents/guardians, and other visitors is essential to achieving this goal.

The Duanesburg Central School District, through its present policies, has a long-standing set of expectations for its students, conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, dignity, citizenship, character, acceptance, honesty, and integrity.

The Board recognizes the need, based upon legislation adopted by the State of New York, to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. The Board now adopts this Code of Conduct (“Code”).

## II. DEFINITIONS

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

Dignity for All Students Act (DASA): Discrimination and harassment against any student by employees or students under DASA means prohibiting discrimination and harassment against any student by employees or students on school property or at a school function, that creates a hostile environment by conduct with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that: (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status.

Dignity Act Coordinator (DAC): The Dignity Act also requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status (Education Law 13 {3}). This staff member should be referred to as the Dignity Act Coordinator (DAC).

Threatening another student or employee of the school district means students will refrain from engaging in threatening language or behavior directed towards other students. Threatening language is speech that is likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance or interest, and which would cause a reasonable listener to apprehend direct and immediate harm from the speaker. Threatening behavior is conduct directed towards another student or employee of the school district which produces a clear and present danger of harm.

Intimidation, Harassment, Menacing, and Bullying (IHMB) means threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability

that substantially disrupts the educational process.

Bullying is aggressive behavior directed at another that is intentional and involves an imbalance of power or strength and can include physical acts (hitting or punching), verbal acts (teasing and name-calling), and intimidation through gestures or social exclusion. The person bullying has a goal to cause harm and bullying generally happens more than once in repetitive occurrences.

Cyber-Bullying is the repeated use of information technology, including e-mail, instant messages, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others.

Sexting is sending, receiving or forwarding sexually suggestive, nude, or nearly nude, photos through text messages or email.

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program.

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bi-sexuality (Education Law §11[5]).

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

Zero Tolerance for those actions designed as Level I Infractions for JR/SR High School. The zero tolerance with respect to those infractions is based upon civility, mutual respect, character, tolerance, honesty, and integrity.

Disruptive Student means an Elementary or JR/SR High School student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Parent means parent, legal guardian, or person in parental relation to a student.

Disability means: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

School Property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real boundary line of any school of the Duanesburg

Central School District, or in or on any District school bus as defined in Vehicle and Traffic Laws §142.

School Bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

School Function means any school-sponsored extracurricular event or activity.

Violent Student means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

Weapon means a firearm as defined in 18 U.S.C. §921 for purposes of the *Gun-Free Schools Act*. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death. Any student possessing a weapon on school district property may be suspended for a minimum of one year.

### III. **STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

All students of the Duquesne Central School District have rights and will be treated fairly, but they also have a responsibility to adhere to District guidelines.

#### **1. Student Rights**

The District is committed to safeguarding the rights given to all students under State and Federal law. In addition, to promote a safe, healthy, orderly, and civil school environment, all district students have the right to:

1. Take part in all District activities on an equal basis regardless of color, creed, national origin, religion, gender, sexual orientation or disability.
2. Present their version of the relevant events or, in the case of harassment or discrimination, report any such acts to school personnel authorized to impose a disciplinary penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from authorized school personnel.
4. Learn in a safe and supportive school climate free from discrimination and harassment by other students and/or adults.

#### **2. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Refrain from engaging in acts of discrimination as defined by the Dignity for All Students Act: All students shall have the right to freedom from harassment and discrimination on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status.  
Attend school every day unless they are excused and be in class, on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Work to develop strategies to control emotions and behavior as needed.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. 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.

#### **IV. ESSENTIAL PARTNERS**

##### **A. Parents/Guardians**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure that absences are excused.
5. Insist that their children be dressed and groomed in a manner consistent with the student dress code, as defined herein.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents/guardians, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Provide a place for study and ensure homework assignments are completed.

##### **B. Teachers**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, gender identity and expression, religion, religious practices, national origin, sexual orientation, sex, weight, ethnic group, or disability which will strengthen student confidence and promote learning.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.
5. Be prepared to teach.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair, consistent and even-handed manner.
8. Communicate to students and parents/guardians:
  - a. Course objectives and requirements
  - a. Marking/grading procedures
  - b. Assignment deadlines
  - c. Expectations for students
  - d. Classroom discipline plan
  - e. Communicate regularly with students, parents/guardians, and other teachers concerning growth and achievement.

### **C. School Counselors/Social Workers**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status which will strengthen student confidence and promote learning.
2. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
3. Initiate teacher/student/counselor conferences, as necessary, and as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.

### **D. Expectations for Other School Staff**

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **E. Principals**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status which will strengthen student confidence and promote learning.



2. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
8. Explain annually to both faculty/staff and students expectations on school conduct and discipline including, but not limited to, guidelines on promoting a positive, safe and supportive school climate while discouraging, among other things, discrimination and/or harassment against students by students and/or school employees, and including safe and supportive school climates in the curriculum and classroom. An explanation of how to respond to acts of discrimination and harassment against students by employees or students on school property or at a school function should be included also.

#### **F. Superintendent**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status which will strengthen student confidence and promote learning.
2. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
3. Review with District administrators the policies of the Board of Education and State and Federal laws relating to school operations and management.
4. Inform the Board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with District administrators to enforce the Code of Conduct and to ensure that all cases are resolved promptly and fairly.

#### **G. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions.
2. 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.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

## **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

1. In order to promote and foster a culturally proficient school environment preserving respect, dignity, and civility, students are encouraged to wear clothing or garb that is relevant to and distinctive of their respective cultures or ethnicity.
2. Students will ensure that underwear is completely covered with outer clothing. All clothing shall be fastened appropriately.
3. Students shall not wear garments that are revealing or see-through (including those that expose one's midriff or otherwise potentially expose private parts of the body, such as tube tops and halters).
4. Head wear required for religious purposes is permitted. Students, at the discretion of the building administration, may be allowed to wear head wear in school for medical purposes, as long as appropriate documentation or notification is provided. Students are not allowed to wear hoods, sunglasses, visors, sweatbands, bandannas, etc. in the school building except for a medical or religious purpose, during the school day.
5. Students shall not wear or display culturally (race, ethnicity, socioeconomic status) derogatory, offensive, or divisive symbols; or items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, creed, national origin, gender, sexual orientation, or disability, while at school, on school grounds, or participating in school-related activities.
6. Students' dress/accessories shall not promote and/or endorse sexual activity of any kind, the use of alcohol, tobacco, vaping (e-cigarettes or juuls), or illegal drugs and/or encourage illegal or gang-related activities, including violence, depictions of guns, knives, and other weapons.
7. Transgender and/or gender nonconforming students may dress in accordance with the gender identity or gender expression within the constraints of any dress code contained in the Code of Conduct and will be enforced in like manner.

Each building principal or his or her designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. PROHIBITED CONDUCT**

This section of the Code has been divided into two sections:

- ◆ Behavior Expectations for Kindergarten through Grade 6
- ◆ Behavior Expectations and Discipline for Grades 7 through 12

◆ Behavior Expectations for Visitors

The underlying theme of the following three 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, 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 the students' 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 on the following pages 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;
- supportive intervention;
- behavioral assessment or evaluation;
- behavioral management plans, with benchmarks that are closely monitored;
- student counseling and parent/guardian conferences.

**BEHAVIOR EXPECTATIONS ELEMENTARY SCHOOL –GRADES K-6**

Good elementary schools are characterized by an appropriate atmosphere for learning. We are asking for the parents/guardians of our Elementary School students to join us in our efforts to establish a pleasant environment in our school by reviewing these expectations for good behavior with your child(ren).

<b>GENERAL RULES</b> <i>Students Are Expected To</i>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Be responsible for each other’s safety by never pushing, shoving, fighting, or throwing objects.</li> <li>2. Have respect for the personal property of others and for school property.</li> <li>3. Avoid bad language and verbal abuse (teasing, bullying, name calling).</li> <li>4. Keep our classrooms, hallways, restrooms, cafeteria and playground litter free.</li> <li>5. Go through the building in a quiet manner.</li> <li>6. Arrive at school no earlier than five minutes before the official start of the instructional day.</li> <li>7. Be in the building before or after school hours only with supervision by a staff member.</li> <li>8. Dress in clothing that is not disruptive to the learning environment or is threatening to the student or to the other students as outlined in Section V of this Code.</li> <li>9. Refrain from wearing hats during class and other instructional times.</li> <li>10. Refrain from selling/small franchising outside of class projects.</li> <li>11. Respect the rights of all students and to learn in an environment that is free of all forms of intimidation, harassment (verbal, physical, sexual, racial), menacing, and bullying.</li> <li>12. Students will refrain from harassment or discrimination on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, neurodiversity, disability, sex, sexual orientation, gender (including gender identity and expression) or socio-economic status.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the teacher or building principal with the student for the purpose of identifying the misbehavior and developing a plan for correction.</li> <li>2. A disciplinary action appropriate to the misbehavior determined on a case-by-case basis.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Building Principal.</li> <li>4. Temporary removal from class/school.</li> <li>5. A conference with the parent(s)/guardian(s) at school with the teacher or Building Principal.</li> <li>6. A loss of student privileges.</li> <li>7. May involve support personnel such as social workers, psychologists, etc., in developing plans for correction.</li> <li>8. Meeting with the Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

THREATENING ANOTHER STUDENT OR EMPLOYEE OF THE SCHOOL DISTRICT	RANGE OF CONSEQUENCE
<p>1. Students will refrain from engaging in threatening language or behavior directed towards other students or employees of the school District. Threatening language is speech that is likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or interest, and which would cause a reasonable listener to apprehend direct and immediate harm from the speaker. Threatening behavior is conduct which produces a clear and present danger of harm.</p>	<p>1. A conference with the parent(s)/guardian(s) at school. 2. One- to three-day external suspension.</p>

<b>IN THE CLASSROOM</b> <i>Students Are Expected To</i>	RANGE OF CONSEQUENCE
<p>1. Obey teachers, monitors and other adult supervisors. 2. Behave in a way that does not interfere with the learning of others. 3. Follow individual classroom rules.</p>	<p>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal. 2. A disciplinary action appropriate to the misbehavior. 3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal. 4. Temporary removal from class.  <ul style="list-style-type: none"> <li>▪ <i>(If teacher disciplinary removal, refer to Section IX and behavioral form on file in each school building.)</i></li> </ul> 5. A conference with the parent(s) at school. This conference shall be conducted with the teacher or Principal or both. 6. A loss of student privileges. 7. Temporary removal from school. 8. Meeting with Superintendent. 9. Superintendent Hearing.</p>

<b>WHEN USING COMPUTERS</b> <i>Students Are Expected To</i>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Use the computers for school related work.</li> <li>2. Treat equipment (and related components) with respect (no food or drinks near equipment).</li> <li>3. Use appropriate language when using search strategies or the public access system.</li> <li>4. Use only school materials and software with school equipment.</li> <li>5. Refrain from engaging in cyber bullying of any kind.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from class.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

<b>IN THE CAFETERIA</b> <i>Students Are Expected To</i>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Eat with good table manners.</li> <li>2. Not throw food.</li> <li>3. Remain seated unless given permission to leave.</li> <li>4. Move through the lunch line in an orderly fashion.</li> <li>5. Clean up their table area when finished eating.</li> <li>6. Keep all food in the cafeteria.</li> <li>7. Talk quietly.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from cafeteria.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent</li> <li>9. Superintendent Hearing.</li> </ol>

<p style="text-align: center;"><b>IN THE CORRIDORS</b> <i>Students Are Expected To</i></p>	<p style="text-align: center;"><b>RANGE OF CONSEQUENCE</b></p>
<ol style="list-style-type: none"> <li>1. Respect the displays and hallway bulletin board work done by other students and teachers by being careful not to touch or brush against them.</li> <li>2. Walk, not run, and to stay to the right while quietly walking through the hallways.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from class.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

<p style="text-align: center;"><b>IN ASSEMBLIES</b> <i>Students Are Expected To</i></p>	<p style="text-align: center;"><b>RANGE OF CONSEQUENCE</b></p>
<ol style="list-style-type: none"> <li>1. Listen and watch attentively to the programs presented.</li> <li>2. Show our appreciation in a polite manner.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from the assembly.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

<b>ON PLAYGROUND</b> <i>Students Are Expected To</i>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Include others in their games.</li> <li>2. Share playground equipment.</li> <li>3. Use it properly and safely.</li> <li>4. Not interfere in the games of others.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from the playground.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>



<b>ON SCHOOL BUS</b> <i>Students Are Expected To</i>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Obey the posted rules.</li> <li>2. Listen and follow the bus driver's directions.</li> <li>3. Remain seated while the bus is in motion.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal, and may involve the Transportation personnel.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s) by the teacher or Principal, or Transportation Director.</li> <li>4. Temporary removal from bus.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher, Principal, and/or Transportation personnel.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

<b>HARASSMENT</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Student will refrain from making any verbal or non- verbal comments/gestures that may be interpreted by an individual as an act of intimidation, harassment, menacing and/or bullying. This applies to any place in school, on school property, school sponsored activities, including school buses.</li> <li>2. Racist symbols that are disruptive to the learning environment, contain language or images that are discriminatory, are recognized to promote hate or violent conduct, or contain threats are prohibited and will not be tolerated in our schools and/or on school property. These symbols include, but are not limited to, Confederate flags, Nazi swastikas, Ku Klux Klan hoods, and other imagery designated by the Anti-Defamation league as being associated with hate groups.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from class.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

<b>POSSESSION OF LASERS</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>Students will refrain from having lasers while on school property, school sponsored activities and school buses.</li> </ol>	<ol style="list-style-type: none"> <li>Device confiscated. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>A disciplinary action appropriate to the misbehavior.</li> <li>A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>Temporary removal from class.</li> <li>A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>A loss of student privileges.</li> <li>Temporary removal from school.</li> <li>Meeting with Superintendent.</li> <li>Superintendent Hearing.</li> </ol>

<b>POSSESSION OF FIREWORKS</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>It is illegal for students to have in their possession fireworks of any kind.</li> <li>In the State of New York, it is illegal for children to purchase or possess fireworks.</li> </ol>	<ol style="list-style-type: none"> <li>Device(s) confiscated. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>A disciplinary action appropriate to the misbehavior.</li> <li>A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>Temporary removal from class.</li> <li>A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>A loss of student privileges.</li> <li>Temporary removal from school.</li> <li>Meeting with Superintendent.</li> <li>Superintendent Hearing.</li> </ol>

<b>POSSESSION OF FIREARMS, WEAPONS, OR DESTRUCTIVE DEVICES</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. It is illegal for a minor to be in possession of firearms.</li> <li>2. A “firearm” is defined as a weapon which will or is designed to or may be converted to expel a projectile. Firearms may include, but are not restricted to guns, BB guns, pellet guns, starter pistols, slingshots, the frame or receiver of such weapon, and any firearm muffler or firearm silencer. “Weapon” is defined as a knife, club, bat, or any object that could be used to cause harm to another person. “Destructive device” means any explosive incendiary or poison gas, bomb, grenade, or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine or device similar to any of the devices described.</li> <li>3. All statements which refer to bringing a gun, or any weapon, and shooting or hurting someone, even if they were made in jest, will be taken seriously, evaluated, and the appropriate consequence will be determined.</li> </ol>	<ol style="list-style-type: none"> <li>1. Device(s) confiscated. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action plan appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Contact NYS Police.</li> <li>5. Temporary removal from class.</li> <li>6. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>7. A loss of student privileges.</li> <li>8. Temporary removal from school.</li> <li>9. Meeting with Superintendent.</li> <li>10. Superintendent Hearing.</li> <li>11. One-year suspension or less depending upon discretion of Superintendent, as required by 18 USC §924 and 20 USC §8921.</li> </ol>

<b>INTERNET/INTRANET USE</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Disseminating information that is illegal, harassing, defamatory, abusive, threatening, racially offensive, designed to affect school functions or the daily activity of the school, or adult-oriented is not allowed whether or not the dissemination of the information occurs from the school terminals.</li> <li>2. Cyber bullying and cyber threats of any kind are prohibited. This includes, but is not limited to, sending mean or threatening messages or intentionally excluding someone from an online group.</li> <li>3. Unauthorized access to any part of the District Network is strictly prohibited.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s) by the teacher or Principal.</li> <li>4. Temporary removal from class.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent</li> <li>9. Superintendent Hearing.</li> </ol>

<b>BULLYING</b>	<b>RANGE OF CONSEQUENCE</b>
<ol style="list-style-type: none"> <li>1. Bullying, whether physical or verbal, is prohibited. This includes, but is not limited to, hitting or punching, as well as teasing and name calling.</li> <li>2. Cyber bullying and cyber threatening are also prohibited.</li> <li>3. Cyber bullying is the repeated use of information technology, including e-mail, instant messages, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others.</li> <li>4. Cyber threat is online material that threatens or raises concerns about violence against others, suicide, or other self-harm.</li> <li>5. Bullying, cyber bullying and cyber threatening are not permitted whether or not the harmful behavior occurs at school or at home.</li> </ol>	<ol style="list-style-type: none"> <li>1. An individual conference with the student for the purpose of identifying the misbehavior and developing a plan for correction. The conference shall be conducted with the teacher or Principal.</li> <li>2. A disciplinary action appropriate to the misbehavior.</li> <li>3. A telephone call to the parent(s)/guardian(s) by the teacher or Principal.</li> <li>4. Temporary removal from class.</li> <li>5. A conference with the parent(s)/guardian(s) at school. This conference shall be conducted with the teacher or Principal, or both.</li> <li>6. A loss of student privileges.</li> <li>7. Temporary removal from school.</li> <li>8. Meeting with Superintendent.</li> <li>9. Superintendent Hearing.</li> </ol>

**BEHAVIOR EXPECTATIONS AND DISCIPLINE REGULATIONS JR/SR HIGH**  
**SCHOOL – GRADES 7-12**

**General Comments**

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 all 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 home.
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 Behavioral Referral Report shall indicate the nature of the follow-up action taken by the teacher (see Behavioral Referral Guidelines). All infractions will be followed up with an electronic referral to the appropriate Jr/Sr HS office. As often as possible, minor referrals will be reviewed by the appropriate principal after 3 p.m. each day and with follow-up meeting with students as soon as possible.

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

The type of student behavior indicated in writing on the referral form shall be keyed to the infractions listed below (see the Behavior Referral Guidelines).

A. 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.

B. Search and Seizure:

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 parent shall be informed as to the reason for the search.

C. Role of Police Officials

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:

- a. A search or arrest warrant; or
- b. Probable cause to believe a crime has been committed on school property or at a

- school function; or
- c. Been invited by school officials.

**D. Social Probation Resulting from Level I, II, or III Infractions**

Any privilege offered by this building can be removed by an administrator from 30 to 90 days from the date of the infraction. Privileges can be restored if there are no other violations during the probation period. Social probation will result automatically from all Level I and Level II infractions. Violations that occur at an extra-curricular activity will lead to denial of attendance at the next similar activity(s) at the discretion of administration (even if beyond 90 days).

**NOTE:** Alcohol sensors may be used at selected extra-curricular activities. It is understood that school suspensions from the Albany BOCES and Schoharie BOCES are also enforced as suspensions from Duanesburg Central High School and vice versa.

**Level I/Minor Infractions**

Level 1 Offenses	Consequences
<p><b>Cell Phones / Personal Electronic Devices-</b> Students may bring cell phones/personal electronic devices to school. They may use them only for instructional purposes and when given explicit instructions by the teacher.</p> <p>Participation in sexting and cyber-bullying accomplished through sending of text messages, e-mails, or any other message originating on, or sent to, an electronic device listed above is prohibited. If the material/message is deemed disruptive to the educational setting, the student will be subject to disciplinary action whether or not the event took place on or off school property.</p>	<p>Intervention 1 - Verbal warning to put phone away and/or follow expectations of the classroom. Intervention 2 - Confiscation of cell phone (to the main office). First incident - student picks up phone at end of day. Second incident - parent/guardian contacted to pick up phone Third incident - parent/guardian contacted to pick up phone, lunch detentions assigned.</p> <p>Intervention – Discipline Referral parent/guardian Contacted and SRO Officer Contacted Further discipline at the discretion of the building administrator.</p>
<p><b>Insubordination</b> - defined as a refusal to follow reasonable directives/requests of adult staff in the school.</p> <p><b>Disrespectful behavior</b> – Disrespect toward staff and/or students (includes swearing at, name calling and threatening behavior directed at staff) is prohibited at school</p>	<p>Intervention 1 - Teacher will speak to student. Intervention 2 - Teacher assigned detention and parent/guardian contact Intervention 3 - Administrative assigned detention and parent/guardian contact</p> <p>Intervention 1 – ISS (In-School Suspension) or OSS (Out of School Suspension) will be assigned after investigation is completed.</p>
<p><b>Consumption of food and/or drink</b> is not allowed in the hallways. Food or drink brought into the building before school needs to be consumed in the cafeteria (or in the case of a socially distanced environment, in the classroom). Students must have a pre-signed pass to bring food out of the cafeteria.</p>	<p>Intervention 1 - Re-direct student to the cafeteria. Intervention 2 - Escort student to the building principal office. Admin conversation and, if necessary, parent/guardian contact. Intervention 3 - Parent/guardian/Student/Principal conference-possible disciplinary assignment.</p>
<p><b>Skateboarding, roller-blading and roller skating</b> - are not permitted on school grounds. Please do not bring these items to school.</p>	<p>Intervention 1 - Confiscation of equipment. Intervention 2 - Confiscation of equipment, parent/guardian contacted to pick up.</p>

<p><b>Disruptive and reckless hall behavior</b> - including running, kicking, screaming, swearing, throwing objects or any other disruptive behavior that involves inappropriate use of school equipment is not allowed.</p>	<p>Intervention 1 - Verbal warning Intervention 2 – Teacher / Administrative detention Intervention 3 – Detention-possible ISS</p>
<p><b>Wearing of hoods</b> - is not permitted at school during the school day except for medical or religious reasons.</p>	<p>Intervention 1 - Re-direct student to remove the hood. Intervention 2 - Confiscation of item to the main office. Intervention 3 - Confiscation of item (to the main office), parent/guardian contacted to pick up, PM detention.</p>
<p><b>Public displays of affection</b> - (including kissing, hugging and inappropriate touching) is not appropriate for school or school sponsored events.</p>	<p>Intervention 1 - Verbal warning Intervention 2 - Administrative detention and parent/guardian contact. Intervention 3 - Parent/Guardian/Student/Principal conference and possible disciplinary assignments.</p>

**Level II Infractions**

Level 2 Offenses	Consequences
<p><b>Harassment, bullying, intimidation</b> (including behaviors such as name-calling, demeaning comments, swearing at, threatening behavior, teasing, unwanted physical contact, etc.) is not allowed on school grounds.</p> <p><b>Bullying</b> Bullying, whether physical or verbal, is prohibited. This includes, but is not limited to, hitting, punching, teasing, name calling, and intimidation through gestures.</p> <p><b>Cyber-bullying</b>-including cyber threatening and sexting, is also prohibited. Cyberbullying is the repeated use of information technology, including e-mail, instant messages, blogs, chat rooms, pagers, cell phones, and gaming systems to deliberately harass, threaten or intimidate others. A cyber-threat is a type of cyber-bullying that includes online materials that threaten or raise concerns about violence against others, suicide or other self-harm. Sexting is a type of cyber-bullying that involves sending, receiving, or forwarding sexually suggestive, nude, or nearly nude photos through text messages or e-mail. Bullying and cyber-bullying in any form are not permitted whether or not the harmful behavior occurs at school or home.</p> <p><b>Harassment or Discrimination</b> Includes all forms of electronic, verbal or written communications</p>	<p>Intervention 1 - Referral to the Principal. Investigation to determine if DASA Coordinator should be involved. Assigned consequence will depend determined after the investigation is complete and could be; verbal reprimand, referral to peer mediation, lunch/PM detention, ISS (in school suspension) or OSS (out of school suspension).</p>

<ol style="list-style-type: none"> <li>1. Students will refrain from harassment or discrimination on the basis of race, color, gender identity and expression, religion, religious practices, national origin, weight, sexual orientation, ethnic group, or disability.</li>   <li>2. Racist symbols that are disruptive to the learning environment, contain language or images that are discriminatory, are recognized to promote hate or violent conduct, or contain threats are prohibited and will not be tolerated in our schools and/or on school property. These symbols include, but are not limited to, Confederate flags, Nazi swastikas, Ku Klux Klan hoods, and other imagery designated by the Anti-Defamation league as being associated with hate groups.</li> </ol>	
<p><b>Tardy to school/class</b> - Unexcused lateness to class will be considered a class cut.</p>	<p>Intervention 1 - 3 unexcused late arrivals to school/class will result in lunch detention.  Intervention 2 - any unexcused late arrivals to school/class over and above 3 will result in PM detention or 2 lunch detentions for each incident.  Intervention 3 - If pattern persists, Parent/Guardian/Student/Principal conference will be scheduled and additional disciplinary assignments.</p>
<p><b>Class truancy (cut)</b> - The illegal absence from a class while in attendance at school is a violation of school policy.</p>	<p>Intervention 1 - Any grades missed during the class truancy may result in a zero. 2 lunch detentions assigned by the teacher.  Intervention 2 - Any grades missed during the class truancy may result in a zero. Mandatory Counselor/Teacher/Student conference. PM Detention assigned.  Intervention 3 - Any grades missed during the class truancy will be a zero. Mandatory Principal/Teacher/Student conference. PM Detention assigned.</p>
<p><b>Academic Misconduct (copying of homework)</b> -</p>	<p>Intervention 1 - Loss of credit on work, parent/guardian contact by teacher.  Intervention 2 - Administrative detention, parent/guardian contact and loss of credit on work  Intervention 3 - Parent/Guardian/Student/Teacher/Principal conference.</p>
<p><b>Disruptive behavior</b> (interrupting the academic process, unreasonable noise, inappropriate language or gestures, etc. throughout the school building).</p>	<p>Intervention 1 - Teacher assigned detention. Parent/guardian contact by teacher.  Intervention 2 - Referral to building Principal. Administrative Detention assigned. Parent/guardian contact.  Intervention 3 - Parent/Guardian/Student/Teacher/Principal conference.</p>



### Level III/Major Infractions

Level 3 Offenses	Consequences
<p><b>Leaving School Grounds without Permission</b></p>	<p>Intervention 1 - ISS /OSS (in school suspension/external suspension), parent/guardian contact. Intervention 2 - 2 days ISS/OSS (in school suspension/external suspension), parent/guardian/student/principal conference</p>
<p><b>Sale, possession, use, or being under the influence of drugs, alcohol and/or any tobacco product including all smoking devices including electronic cigarettes and vape pen devices</b> is not permitted in school and is a violation of BOE policy.</p>	<p>Intervention 1 - Minimum 3 days ISS or OSS. Parent/Guardian/Student/Principal conference to discuss expectations. Referral to social worker (to determine if PINS is needed) and law enforcement involvement, if necessary. Intervention 2 – Possible minimum 5 days OSS, Superintendent Hearing</p>
<p><b>Causing physical harm to self or others via deliberate acts.</b></p>	<p>Intervention 1 - Referral to building Principal. ISS (in school suspension) or OSS (out of school suspension) will be assigned after the investigation is completed.</p>
<p><b>Possession of Firearms, Weapons or Destructive Devices</b>  <b>Firearms</b> - defined as a weapon which will or is designed to or may be converted to expel a projectile. Firearms may include, but are not restricted to guns, BB guns, Pellet guns, starter pistols, slingshots, the frame or receiver or such weapons, and any firearm muffler or firearm silencer.  <b>Weapon</b> – defined as a knife, club, bat, or any object that could be used to cause harm to another person.  <b>Destructive Device</b> – means any explosive, incendiary or poison gas, bomb, grenade, or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than ¼ ounce, a mine or device similar to any of the devices described.  <b>Possession of Fireworks</b> It is illegal for students to have in their possession fireworks of any kind.</p>	<p>Any student who is determined to have brought a “firearm”, “weapon” or “destructive device” on school premises will result in an automatic expulsion from school for not less than one year.  Complaint filed with police immediately.  The Superintendent of schools, following a Superintendent Hearing, may modify such expulsion requirement on a case-by-case basis.</p>
<p><b>Academic Misconduct</b> (Plagiarism, cheating and altering records, etc., assisting others with the proceeding)</p>	<p>Intervention 1 - Loss of credit on work. Parent/Guardian/ contact by the teacher. Referral to building Principal. Intervention 2 - Administrative referral and Parent/Guardian/ Student/Teacher/School Counselor conference and loss or credit.</p>

<p><b>Truancy from School</b>  <b>Truancy Definition: A student is truant if they are illegally absent from school with the knowledge and consent of parent/guardian.</b></p>	<p>Intervention 1 - ISS (in school suspension), OSS (out of school suspension) parent/guardian contact.  Intervention 2 - 2 days of ISS (in school suspension)/OSS (out of school suspension), parent/guardian contact.  Intervention 3 - 2 days ISS (in school suspension) OSS (out of school suspension), parent/guardian/student /principal conference, possible CPS referral/PINS referral.</p>
<p><b>Fighting or other act of violence</b>  <b>Assault</b>  <b>Premeditated use of physical force</b></p>	<p>OSS (out of school) 3-5 days, parent/guardian contacted.  Complaint may be filled with the Police Department , meeting with the Superintendent.  May result in a Superintendent Hearing.  In the instance of physical abuse to a member of the staff, the student will be suspended from school for up to 5 days pending a Superintendent Hearing.</p>
<p><b>Vandalism or Theft of Property</b></p>	<p>May result in administrative actions or suspension with a phone call to the parent/guardian.  Police may be notified and complaint filled out.  Parent/Guardian conference during the suspension period.  Request payment for the costs resulting from damage.  File vandalism report with Supervisor of Buildings and Grounds.  Meeting with Superintendent  Superintendent Hearing.</p>

**Building-Wide Behavioral Expectations**

Building-wide behavioral expectations have been established for all students.

1. Follow directions of staff the first time they are given.
2. Treat other people and their property with respect by keeping hands, feet, and objects to oneself and by refraining from derogatory comments.
3. Report to designated areas at designated times.
4. Follow expectations developed for an individual classroom.
5. Dress in clothing that is not disruptive to the learning environment or is threatening to the student or to the other students, as outlined within Section V of this Code of Conduct.

Leaving School Grounds/Truancy

No student may leave the school grounds after arriving at school without approval of the administration. A parent/guardian 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.

### In-School and Out-of-School Suspension

In-school suspension (ISS) is a program in which students who are suspended attend school but do not attend their regular classes. Students will attend ISS for the normal school day, where they are given assignments and guidance by the coordinator. These assignments will be returned to the teacher for grading and are to be used as part of the student's grades.

Failure to meet the requirements of the ISS program may result in an extension of the length of suspension. The purpose of the ISS is not to punish but rather to correct behavior.

Out-of-school suspension (OSS) is assigned for very serious offenses or for habitual problem-makers. A student may be assigned OSS for up to five (5) days and a parent/guardian conference will be scheduled before readmission.

### Lunch Policies and Regulations

All food must be eaten in the cafeteria or designated picnic areas.

Students are NOT permitted to leave school grounds during lunch without permission from an administrator. This includes all parking lots.

### **Attendance**

Students who do not attend a minimum number of scheduled classes as stated below, regardless of the reason for the absence, may be denied academic credit. Students whose absences exceed the following guidelines may lose credit for the course:

- Semester Course: 10 Absences
- Full Year Course: 20 Absences

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 both their Guidance Counselor and grade level principal.

In addition to these final numbers, the Committee will get 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 can include both excused and unexcused reasons for missing school.
- Medical excuses can be for ten (10) absences only. Physician's notes covering these ten absences must be brought in to grade level office within ten (10) school days of each absence or they will not be accepted.

### Rtl - Attendance Review Committee

One of the most important responsibilities of any student is regular attendance in school. Duanesburg Central High School has an Attendance Review Committee 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 P.I.N.S. 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 he/she 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 parents/guardians outside emergency assistance
- recommend filing P.I.N.S. petition
- recommend involvement of attendance officer
- invite student to meet with Committee
- invite parents/guardians to meet with Committee
- use any other option available
- implement attendance reduction contract

When the student reaches ten (10) absences in a half-year course or twenty (20) absences in a full-year course, the Committee would offer the parents/guardians an opportunity for a hearing. The student will be offered the opportunity to complete an "attendance reduction contract". This contract consists of a two (2) day reduction from the absence total of the student.

To fulfill the contract the student must meet with the teacher and complete course work that is equivalent to two (2) class periods. The teacher will be notified in writing of the contract. When the contract between the teacher and student is completed the grade level principal will be notified. The opportunity to enter into an "attendance reduction contract" will be offered only one time during each course.

### Denial of Credit

The awarding of academic credit at Duanesburg Central High School will be based in part on attendance in class. Students who do not attend a minimum number of academic classes may be denied academic credit. Exceptions to the attendance regulation may be made for students with extended illness who have completed other academic requirements. Information concerning the attendance requirement will be distributed to all students and teachers at the beginning of the school year.

### Teacher Reports

The teachers will inform the principal according to the schedule below when a student's attendance becomes unsatisfactory. Guidance-originated appointments, parent/guardian conferences, administrative meetings, internal suspension and field trips are not reported as absences. Examples of absences are contained within the District's Comprehensive Attendance Policy.

Excused and Unexcused Events

The following reasons for absence, tardiness, or early departure will be deemed excused absences for the purpose of the attendance register:

**Elementary School, Grades K-6**

**EXCUSED ABSENCES**

**UNEXCUSED ABSENCES**

Absences approved in advance with principal	Babysitting
Court order	Car problems
Extreme medical - such as surgery or long-term illness (with proof)	Family vacations
Medically sick	Hunting or fishing
Quarantine – verifiable by doctor	Missing the bus
Religious observance	Oversleeping
Serious illness or death in family	Planned family events
	Shopping
	Staying at home
	Other reasons not on approved list

**JR/SR High School, Grades 7-12**

**EXCUSED ABSENCES**

**UNEXCUSED ABSENCES**

Absences approved in advance with principal (may include job interviews, <b>school sponsored</b> sports competitions, etc.)	Babysitting
Approved Cooperative Work Programs	Car problems
Court order	Employment
Extreme medical – such as surgery or long-term illness (with proof)	Family vacations
Field trip/school sponsored activities	Field Trips not authorized by the Principal
Medically sick (Three consecutive days of absence, due to illness, will require written note from a doctor/health clinic)	Fire calls
Military obligations	Hunting or fishing
Pre-approved college visits (letter from Admission's Office is required)	Learner's permit test
Quarantine – verifiable by doctor	Missing the bus
Religious observance	Oversleeping
Road Test	Recreation
Serious illness or death in family	Shopping
	Staying at home
	Truancy

All other reasons not listed above are unexcused and therefore, will be counted as absences which could potentially lead to loss of course credit.

### Reporting Schedule

Teachers should use the behavior referral to report absences. Include the number of absences and the student's approximate class average. Referrals should be submitted the day that each student advances to Level II or higher levels.

<b>LEVEL</b>	<b>NUMBER OF ABSENCES</b>	<b>ACTION TO BE TAKEN</b>
I	One (1) to five (5) absences in either a semester or full-year course.	<ul style="list-style-type: none"> <li>▪ During this time, the teacher should confer with the student and inform parent/guardians if assignments are not made up.</li> </ul>
II	Six (6) absences in a single semester course or eight (8) absences in a full year course	<ul style="list-style-type: none"> <li>▪ Behavioral referral sent to principal.</li> <li>▪ After teacher notification, principal informs parents/guardians of continuing problem.</li> <li>▪ School counselor will contact student if academic problem is a result.</li> </ul>
III	Twelve (12) absences in a full year.	<ul style="list-style-type: none"> <li>▪ Behavior referral sent to principal.</li> <li>▪ School counselor confers with student and parents/guardians on continuing problem.</li> </ul>
IV	Eight (8) absences in a semester or sixteen (16) absences in a full year.	<ul style="list-style-type: none"> <li>▪ Behavior referral sent to principal who notifies parent/guardian and student of imminent credit loss</li> </ul>
V	Ten (10) absences in a semester or twenty (20) absences in a full year.	<ul style="list-style-type: none"> <li>▪ Behavior referral sent to grade level principal.</li> <li>▪ If the student fails to maintain his obligation, a loss of credit letter is then sent by the Principal.</li> </ul>

## **BEHAVIOR EXPECTATIONS FOR VISITORS TO THE BUILDING**

During the school day, all visitors will be required to report to the Main Office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate these requests. When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits.

All visitors to school facilities or events must comply with the District's Code of Conduct. Failure to do so may result in ejection from the building, arrest, and/or exclusion from future events.

Board Policy 3210  
Education Law § 2801  
Penal Law §§ 140.10 and 240.35

### **VII. BULLYING**

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school-sponsored events and/or activities whether occurring on or off campus. The range of possible intervention activities and/or sanctions for bullying is contained within the Behavior Expectations for all grade levels.

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.

As with other forms of bullying, cyber-bullying is an attempt to display power and control over someone perceived as weaker. Cyber-bullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices, such as cell phones, digital cameras, and personal computers, to engage in bullying. Cyber-bullying 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 web site postings (including blogs).

### **VIII. OFF CAMPUS CONDUCT**

Students may be suspended for conduct that occurred outside of the school which may endanger the health or safety of students within the educational system or adversely affect the education process. Where students off campus conduct "materially and substantially disrupts the work and discipline of the school" they may be disciplined.

### **IX. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal, or his/her designee. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function

shall report this information immediately to a teacher, the building principal, the principal's designee, or the Superintendent.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor who shall, in turn, impose an appropriate disciplinary sanction if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution. The building principal, or his/her designee, must notify the appropriate local law enforcement agency of those Code violations that constitute a crime.

Issues related to discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function should be reported immediately to a teacher, principal, or school employee. The reporting of such incidents shall be in accordance with the Harassment of Students Policy and Regulation and Student Complaints and Grievances policies.

#### **X. DISCIPLINARY PENALTIES**

If the conduct of a student related to a disability or suspected disability occurs, the student shall be referred to the Committee on Special Education or Section 504 Committee and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Students who are found to have violated the District's Code of Conduct may be subject to the penalties, outlined in the preceding sections, either alone or in combination. School personnel are authorized to impose that penalty, consistent with the student's right to due process as previously outlined.

#### **XI. TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control 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 to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to an opportunity for the student to regain composure in an alternative setting. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.



If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four (24) hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal, or his or her designee, 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 or designee 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 or designee prior to the beginning of classes on the next school day.

Within twenty-four (24) hours after the student's removal, teacher must notify the student's parents/guardians that the student has been removed from class and why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal.

The principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or designee must explain why the student was removed and give the student and the student's parents/guardians a chance to present the student's version of the relevant events. The informal meeting should be held within forty-eight (48) hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent/guardian and principal.

The principal, or principal's designee, 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, including 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 his or her 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 his or her class. The principal must keep a log of all removals of students from class.

## **XII. SUSPENSION FROM SCHOOL**

Suspension from school is a severe penalty, which 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 Superintendent and the building principals.

#### **A. Short-Term (5 days or less) Suspension from School**

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

The District must also notify the student's parents/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express 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 parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/guardians.

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

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

After the conference, the principal shall promptly advise the parents/guardians in writing of his or her decision. The principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the 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 parents/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 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 within thirty (30) days of the decision.

#### **B. Long-Term (more than 5 days) Suspension from School**

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

The Superintendent shall personally hear and determine the proceeding or may, at his or her 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 him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed 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 that 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 parents/guardians 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 within thirty (30) days of the decision.

### **C. Student Who Brings a Weapon to School**

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:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents/guardians, teachers, and/or others.
6. Other extenuating circumstances.

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

### **D. Student Who Commits Violent Acts Other Than Bringing a Weapon to School**

Any student, other than a student with a disability, who is found to have committed a violent act as defined in Section II hereof, 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 parents/guardians 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 parents/guardians 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.

### **E. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority Over the Classroom**

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 at least 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.

If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian 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 parent/guardian 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.

### **XIII. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or 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.

#### **A. Authorized Suspension or Removals of Students with Disabilities**

1. For purposes of this section of the Code of Conduct only, the following definitions apply:

Suspension: A suspension pursuant to Education Law §3214(3)(a) through (d).

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 himself/herself or others.

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, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized educational program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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.

Weapon: Means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(2), which includes a weapon, device, instrument, material, or substance, animate or inanimate,

that is used for or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

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.

Illegal Drugs: 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.

2. School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
  - a. The Superintendent or principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (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 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 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 his/her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Determination**

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

1. for more than ten (10) consecutive school days; or
2. for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspension or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of 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.

### **C. 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.

### **D. Manifestation Determination**

A manifestation determination is 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.

A manifestation determination must be made immediately, but in no case later than ten (10) school days after:

1. a decision is made by the Superintendent to change the placement of a student to an IAES;
2. a decision is made by an impartial Hearing Officer to place a student in an IAES; or
3. a decision is made the Superintendent or 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, the parent/guardian and relevant members of the CSE as determined by the parent/guardian and District. The parent/guardian 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 parents/guardians 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 parent/guardian and District agree to a change of placement.

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

### **E. Students Presumed to Have a Disability for Discipline Purposes**

The parent/guardian 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:

1. the parent/guardian of such student had expressed concern in writing to administrative personnel or to a teacher of the student that the student needed special education;
2. the parent/guardian of the student requested an evaluation of the student; or
3. 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:

1. the parent/guardian of the student did not allowed an evaluation of the student;
2. the parent/guardian of the student refused services; or
3. 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 Superintendent or principal to determine whether the student is a student presumed to have a disability.

If the Superintendent or principal 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 student 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.

#### **F. Due Process Procedures**

Where a student is suspended for five (5) consecutive school days or less, the parents/guardians of the student 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 bifurcated into a guilt phase and a penalty phase and conducted as follows:

1. The Superintendent shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the Superintendent shall make a threshold determination of whether a suspension or removal in excess of ten (10) consecutive school days or that would otherwise constitute a disciplinary change in placement should be considered. If the threshold determination is that such a suspension or removal should be considered, before the Superintendent recommends any such removal, the Superintendent's hearing shall be adjourned until a manifestation determination is made. If the Superintendent determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
2. Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a non-disabled student. Upon receipt of notice of such determination, the Superintendent shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the Superintendent shall dismiss the hearing.
3. If the Superintendent is considering the change in placement of a student with a disability to an IAES, upon a determination that the student is guilty of misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the Superintendent may recommend such change in placement to an IAES, to be determined by the CSE, for up to forty-five (45) school days, but not to exceed the length of time that a non-disabled student would be suspended for the same misconduct under the Code of Conduct.
4. The penalty phase of a Superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student, including the admission of anecdotal evidence of past instances of misconduct.

#### **G. 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.

## **H. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted if:

1. 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 his/her current educational placement;
2. 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 his/her current educational placement during such proceedings; or
3. The parent/guardian 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 parents/guardians 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, he/she must mail a written decision to the District and the parents/guardians 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.

## **I. Referral to Law Enforcement and Judicial Authorities**

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a disciplinary change in placement.
2. 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.

## **XIV. DISSEMINATION AND REVIEW**

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

1. Providing copies of a summary of the Code to all students at either a general assembly or by the individual classroom teachers held at the beginning of each school year.
2. Making copies of the Code available to all parents/guardians at the beginning of the school year at Open House events.
3. Posting a summary of the Code of Conduct in the student handbooks written in plain language to all parents/guardians of District students before the beginning of the school year on the District website.

The Board of Education will review this Code of Conduct every year 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, parents/guardians, 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.

Cross-Reference: Policy 7315 – Bullying: Peer Abuse in the Schools  
Policy 3410 – Code of Conduct on School Property