

*CODE*  
*OF*  
*CONDUCT*  
**2024-2025**

**WARWICK VALLEY  
CENTRAL SCHOOL DISTRICT**

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# WARWICK VALLEY CENTRAL SCHOOL DISTRICT

## Office of the Superintendent of Schools

The safety of your children continues to be our number one priority in the Warwick Valley Central School District. Numerous studies have shown that only when students feel safe, that they can concentrate on learning, indicating a strong correlation between a safe environment and academic success. Under the Safe Schools Against Violence in Education Act, all schools are required to develop a Code of Conduct to be adhered to at school functions and on school property. Again, a review of the previous Code was done by staff and the Board of Education and resulted in revisions that are in the current Code of Conduct for the 2024-25 school year. The new Code has been adopted as District policy and shall govern the conduct of students, teachers, other school personnel and visitors for the upcoming year.

On July 1, 2012, in accordance with Education Law, Article 2, the Dignity for All Students Act (The Dignity Act) became effective. The Dignity Act was established to provide a school environment free of discrimination and harassment. This Code of Conduct has been reviewed to reflect the prohibition of discrimination and harassment of students by students or staff.

By law, we are required to mail a plain language summary of our Code of Conduct to all persons in parental relation to students before the beginning of the school year and ensure it is available thereafter upon request. A summary must be provided to students at a general assembly at the beginning of the year, and copies of the District Code of Conduct must be made available to all persons in parental relation to students at the beginning of the school year. We are posting the entire Code of Conduct for review on our Website at [www.warwickvalleyschools.com](http://www.warwickvalleyschools.com) in order to save printing and mailing costs. The booklet is given to every student in the District at the start of the school year so they are aware of all rules. You will be asked to sign a form stating that you have received and reviewed the Code of Conduct with your child.

The Code of Conduct not only includes issues related to student discipline and dress code but also includes the Athletic Code of Conduct. Due to state requirements pertaining to the distribution of this Code at each of our schools, you may receive multiple copies of the booklet. Additional copies are also available at each of the school buildings and the District Offices for review by students, parents or other persons in parental relation to students, non-teaching staff and other community members. Remember, the Code of Conduct is also available on the District's Website ([www.warwickvalleyschools.com](http://www.warwickvalleyschools.com)).

We hope you will familiarize yourself with the various aspects of the Code. We appreciate your understanding and support of this Code and all of our efforts to make schools a safer and better place. Again, the safety of your children and those in our facilities is our number one priority, and we will work to make our number one priority a reality.

Thank you for your time and support of our schools.



David Leach, Ed.D.  
Superintendent of Schools

# **STUDENT CODE OF CONDUCT**

## **Adopted by the Board of Education**

2024-2025 School Year

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# **2024-2025 STUDENT CODE OF CONDUCT**

## **Introduction**

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

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need 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. To this end, the Board adopts this Code of Conduct (“Code”).

All employees of the District shall share responsibility for supervising the behavior of students, for seeing that they meet the standards of conduct, and for complying with the rules and regulations established by the Board or its agents.

Effective July 1, 2012, Dignity for All Students Act prohibits discrimination against and harassment of, students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex by school employees or other students on school property or at a school function.

A requirement of the Dignity Act is for school districts to revise codes of conduct and adopt policies intended to create a school environment free from harassment and discrimination.

The Dignity Act emphasizes the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the school community, including essential partners such as the superintendent, school board members, parents, students, teachers, guidance counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in its implementation.



## **Definitions**

For purposes of this Code, the following definitions apply:

“Disability” shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law.

“Disruptive student” means an elementary or secondary 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.

“Employee” shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.

“Gender” shall mean actual or perceived sex and shall include a person’s gender identity or expression.

“Harassment” shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; 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.

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

“Removal” means the act of a teacher in discontinuing the presence of the student in his/her classroom.

“School function” means any school-sponsored extra-curricular event or activity.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

“Sexual orientation” shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

“Suspension” means the act of a Building Principal (or acting building principal or his/her designee; e.g., associate principal), Superintendent of Schools or his/her designee, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

“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.

**Note:** A student who seeks to coerce or compel a person to commit a violent act may be considered committing an act of violence.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, 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 when used to cause physical injury or death.

## **Philosophy**

The best discipline is that which comes from within. It is started in the home, is guided through the grade school years with the full and active support of parents or guardians, and gradually becomes a mark of growing up as the student enters the high school years. At every level, both parents and teachers work together to encourage youngsters to strengthen their self-discipline, self-respect, respect for others, and a sense of common courtesy. Once these foundations are formed, young adults can begin to develop realistic life goals and appropriately plan for a successful future.

People need structure to exist in a wide variety of social contexts. Society has established laws, ethical codes, rules of conduct, and the like so we understand our freedoms and limitations. Essentially, rules and regulations define and insure our freedoms. The knowledge and understanding of appropriate behaviors allow us to enter society, interact with others in acceptable ways, and thrive. If we choose to bend or break these accepted codes of behavior, we must also understand that we must face unpleasant consequences for our actions.

Living, working, achieving, and playing the special social structure called "school" requires all of the same courtesies and common sense amenities as are needed elsewhere. Additionally, because school is a special place, we need special rules to provide appropriate guidance for each of us.

Thus, we in the Warwick Valley Central School District, view the maintenance of discipline as an ongoing process which involves more than just the establishment and execution of a series of policies and punishments. We work with young adults holistically and are concerned with their mental, emotional and physical states, and maturity levels as well as their observable behavior. We often seek to involve other staff members (such as other teachers and staff, guidance counselors, school psychologists, the Pupil Personnel Committee, and the administration) when deemed appropriate and are alert to the early identification of student problems and difficulties. If we suspect that a student's behavior may be manifestation of a disability, the student shall be referred to the Committee on Special Education for further evaluation.

Thus, we believe that:

We have developed sensible rules of conduct which focus on safety and respect for the rights and property of others.

Each student should be treated as an individual who can be responsible for his/her own behavior.

The learning process is time-intensive, ongoing, and that students will continually grow and mature.

People make mistakes and can learn and profit from those mistakes if given the proper setting and support.

A clear statement of rules, regulations, rights and responsibilities encourage (rather than restrict) personal freedom.

The school's faculty, staff and administration are ready to assist each student and support the family unit as we work cooperatively to help the individual student find his/her place in society. To this end, students who have difficulty maintaining appropriate behavior and violate school rules will be required to accept the penalties prescribed by our discipline code.

In order to modify unacceptable behavior, disciplinary action, when necessary, will be firm, fair, and consistent. Discipline is most effective when it deals directly with the problem at the time and place it occurs. Therefore, before seeking outside assistance, teachers will be encouraged to use all of their resources before referring a student to the administration.

Finally, we believe that students will conform to the proper standards of behavior because "it is the right thing to do." Self-discipline is, most assuredly, the best form of discipline.

## **Dignity Act Coordinator (DAC)**

The Dignity Act 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, disability, sexual orientation, gender, and sex (Education Law§13[3]). This staff member should be referred to as the Dignity Act Coordinator (DAC).

David Albert – District DASA Coordinator

Building DASA Coordinators:

Jeanette Myrick – Park Avenue Elementary

Grace Geysen – Sanfordville Elementary

Brittany Punim – Middle School

Debra Girardi – Middle School

Tamara Scotto – High School

Danielle Kraus – High School

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

The Code of Conduct offers an opportunity to reinforce the importance of reporting incidents of discrimination, harassment, and bullying. The Code of Conduct includes procedures by which violations are reported and determined, and by which disciplinary measures are imposed and implemented.

All individuals are expected to report promptly violations of the code of conduct to an appropriate person, i.e., teacher, guidance counselor, the building principal or his or her designee/administrator. 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/administrator or the superintendent or his /her designee.

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 or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from

initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

### **Code of Conduct Publication and Training**

As part of ensuring community awareness, the Code of Conduct will be posted on the District website. The district will also provide training to staff and students that specifically highlight the Dignity Act provisions such as the prohibition against discrimination and harassment and the availability of each school's DAC.

# **STUDENT RIGHTS AND RESPONSIBILITIES**

## **Preface**

Students in the public schools of New York State have the right to a free appropriate education when they are between the ages of 5 and 21 years or until they receive a high school diploma, whichever comes first. All students who reside within New York State and are between the ages of 6, and the school year through which they become 16, are required by law to attend regularly either public or non-public school that are approved for equivalency of instruction by the appropriate school authorities or in the home in accordance with the Regulations of the Commissioner. (Under certain circumstances, a student may act in such a manner as to warrant limitation or denial of his/her right of access to school in our District.) Thus, bona fide students of the Warwick Valley Central School District have the right to attend our schools and pursue their education and training in their effort to become productive, contributing members of society. This right to a free public school education extends to all students, including those with disabilities.

These and other rights, privileges and benefits are offered to students in the Warwick Valley Central School District and are not unrestricted; they come with a price tag. Every individual freedom or right carries with it the burden of responsibility. The Warwick Valley Board of Education policy concerning the conduct of students recognizes that:

It is the responsibility of students to conduct themselves in keeping with the level of their maturity, acting with due regard for the supervisory authority vested by the Board in all District employees. Students must also act with due regard for specific school rules and regulations, for the educational purpose underlying all school activities, for appropriate use of school property, and for the rights and welfare of pupils and staff.

The District's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities which stimulate and challenge the student's interests and abilities to his/her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner, and does not infringe upon the rights of others.

The Board of Education assures District students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The District recognizes all federal, state and local laws in connection with these rights.

## **Students' Rights**

Students shall have the right:

1. to due process;
2. to free inquiry and reasonable expression. (For a more detailed discussion concerning school newspapers, non-school publications and materials, and symbolic expression;
3. to freedom of association;
4. to freedom of peaceful assembly and petition;
5. to participate in school activities and be heard in the decision-making process;
6. to have freedom from discrimination;
7. to equal educational opportunity;
8. to protection from illegal, irresponsible invasion of personal privacy;
9. to receive fair treatment (nondiscrimination) as provided for in Federal Civil Rights legislation in areas such as race, sex, creed, color and national origin; and
10. to present, in a constructive manner, grievances and complaints to school officials without fear of reprisals or prejudice.

#### Students' Responsibilities

1. to consider academic success as a top priority after ensuring that their individual needs are met;
2. to approach their schoolwork in a serious, conscientious manner;
3. to attend school on a regular and punctual basis;
4. to consider active participation in co-curricular activities which are a vital part of school life
5. not to prevent any other person from enjoying his/her right to a safe, orderly, healthful, clean school environment which is crucial to learning;
6. not to infringe in any way on any other person's right to engage in appropriate educational pursuits;
7. not to engage in any behavior or act which prevents, disturbs, or disrupts our teachers from pursuing their main task of instruction;
8. not to be involved in any behavior which might (in any way) lead to disruption of the educational process;

9. not to use vulgar or obscene words and gestures when involved in any school-related activity while on or off school grounds (even when pursuing other constitutionally protected rights such as free speech, press and assembly);
10. not to make slanderous or libelous statements about other persons;
11. to control one's anger and aggression and not to be disrespectful or insubordinate;
12. to obey all valid school rules and regulations;
13. to dress in a manner which will neither distract others from instruction or the educational process nor jeopardize the safety of the wearer or others; and
14. not to engage in smoking while on school property or at school sponsored off-campus activities.



## **STUDENT DISCIPLINE**

The Board of Education believes that each student can reasonably be expected to be responsible for his/her own behavior. The school administration shall develop and disseminate rules of conduct, focusing on personal safety and respect for the rights and property of others, to be consistently applied in the classrooms and throughout the school. Students who fail to meet this expected degree of responsibility and violate school rules may be subject to appropriate disciplinary action and more regulated supervision.

Discipline within the schools is the responsibility of the Building Principal. The Principal, in administering disciplinary procedures, will adhere to the parameters, rules and regulations established by statute, state regulations and Board policies. Principals have the further responsibility of developing rules and regulations concerning disciplinary procedures, in compliance with Board policy.

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use their best efforts to create a change of behavior in the classroom.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

### **Policy Statement**

With respect to school conduct and discipline, it is the policy of the Warwick Valley Central School District that:

- A. All members of the school community – students, teachers, administration and staff – have the right to operate in a day-to-day atmosphere of sufficient order to effectively accomplish the task of education without unduly stifling the creativity and flexibility essential for excellence.
- B. All rules and regulations shall work to promote a sense of self-discipline and individual responsibility for one's own actions.

As a school district, we subscribe to the belief that our mission to educate our District's children is important and vital. Thus it follows that we will provide quality classroom and school-wide experiences and allow nothing to deter us from that role. We have evolved building and classroom management systems which promote maximum time-on-task student effort.

Most school rules and regulations are meant to provide an atmosphere in which academic, social, and civic growth can develop. Our Board specifies that "pupils shall conduct themselves in keeping with the level of their maturity, acting with due regard for the supervisory authority vested by the Board in all District employees..." Furthermore, it states that "all employees of the District shall share responsibility for supervising the behavior of our students and for seeing that they meet the standards of conduct established by the Board or its agents."

When disciplinary rules are consistently followed, they allow us to think about more important things. When misconduct occurs, we must deal with it promptly, fairly, and **CONSISTENTLY**.

Additionally, such rules should be devised by a group of interested parties including teachers, administrators, parents, and students. These rules should be reviewed and updated periodically and presented to each student and family in a clearly stated fashion.

We, in the Warwick Valley School District, recognize the importance of and the role that discipline plays in our schools and our lives. We therefore set forth the following topical outline of rules and regulations for the maintenance of proper student conduct and the process by which such codes (governing the conduct of all persons involved in our schools) shall be determined and enforced.

These items and procedures are listed, defined and developed according to grade level within each of our District's schools. The resultant codes are published in student and faculty handbooks and are distributed annually in the schools. Further, they shall be revised as necessary at the close of each school year by committees representing each school community (students, faculty, parents, administration, and residents) and be presented annually to the Superintendent for a timely, public review.

## **Resources**

Procedures for early identification: Pupil personnel staff members, administrators, teachers, and others will report students to the Principal when they believe such students present a discipline problem which they reasonably believe the student lacks the capacity to handle. The principal, or his designated representative (e.g., associate principal) will conduct an investigation of the reports, which investigation may include conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as he or she deems appropriate for the early identification and resolution of the suspected problem.

1. **Students** – Students attend and participate in school programs so that they may develop to their fullest potential. With this in mind, students are to:
  - a. be aware of and obey school rules and regulations;
  - b. accept responsibility for their own actions;
  - c. respect the rights of others, including the right to secure an education in an orderly, safe, secure and discipline environment;
  - d. attend school regularly, arrive on time and devote energies to learning;
  - e. maintain habits of personal cleanliness;
  - f. respect school property and the property of others;

- g. comply with requests, instructions and directions given by school personnel in matters of behavior and discipline from the time of departure from home until arrival at home as well as during any school-sponsored activities;
  - h. recognize and help to eliminate prejudice;
  - i. use the established procedures to communicate with personnel able to assist; and
  - j. to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.
- 2. Parents** – A cooperative and mutually supportive relationship between home and school is essential to each student's successful development and achievement. To achieve this wholesome relationship, parents are urged to:
- a. exemplify an enthusiastic and supportive attitude toward school and education;
  - b. build a good working relationship among themselves, their children, the teachers and school staff;
  - c. teach children self respect, respect for the law, respect for others, and respect for public property;
  - d. insist on prompt and regular attendance;
  - e. prepare written excuses for student absences and tardiness;
  - f. participate and assist in maintaining communication with the school by insisting that their children promptly bring home all communications from school;
  - g. cooperate with the school in jointly resolving any school related problems and in implementing the rules and regulations of the District;
  - h. listen to views and observations of all parties concerned before reaching a decision;
  - i. set realistic standards of behavior for their children and be firm, fair, and consistent in applying them by putting forth a continuous effort to listen, consult, understand and trust their children;
  - j. help their children deal effectively with peer pressure;
  - k. provide a place conducive for study and ensure the completion of homework assignments;
  - l. work with school personnel, community agencies, and ongoing committees and organizations dealing with school matters;

- m. provide for their children's health, personal cleanliness, acceptable grooming, and suitable dress;
  - n. work with their family and others to recognize and eliminate prejudice;
  - o. set a good example; don't be a "Do as I say, not as I do" parent; and
  - p. tell the truth where student activities are concerned and not to "cover up" for their children; children need to learn to accept the consequences of their actions.
3. **Teachers** – Teachers recognize their charge to educate children of the community. To meet this responsibility the teachers are to:
- a. promote a climate of mutual respect and dignity which will strengthen the student's positive self image;
  - b. plan and conduct a program of instruction that will make learning attractive and interesting by coming to class prepared and devoting the entire class period to good teaching;
  - c. seek to develop close cooperative relationships with parents for the educational benefit of the school;
  - d. teach the common courtesies by rule and example;
  - e. handle infractions individually. Employ fairness, reasonableness and consistency;
  - f. be sensitive to changing behavior patterns;
  - g. enable students to discuss their problems by listening to students, remaining open minded, and consulting and acting on student recommendations in the decision-making process;
  - h. report to the building administrator any students who jeopardize their own safety, the safety of other students, or other personnel. Students who seriously interfere with the instructional program of the school will also be reported;
  - i. guide students to attain their full potential;
  - j. serve as a surrogate parent in matters of behavior and discipline as may be required by New York Education Law;
  - k. help students learn how to use cooperatively developed and agreed upon procedures to bring about change;
  - l. participate with Principal and/or Associate Principal in formulating rules which relate to school;

- m. be available in the halls for supervision of students during class change; and
- n. work with oneself, one's students, and one's associates to recognize and eliminate prejudice toward race, creed, social class, sex, national origin, and disability.

### **CLASSROOM CONDUCT RULES**

- All teachers subscribe to the philosophy (which is consistent with District guidelines) that education is important, is their primary responsibility and goal, and that nothing will prevent them or distract them from utilizing every available classroom moment for instruction.
  - All teachers have devised a clear set of classroom management and behavior guidelines and expectations. These rules have the full support of the administration and are compatible with District policy. During the first few class sessions of each year and/or semester, these expectations will be reviewed with all assigned students and, when possible, given to the class in written form.
  - Such guidelines will include (but will not be limited to) classroom attendance, student preparation for class, a homework policy (which is consistent with District guidelines), participation in class, rules of common courtesy, assignment of seats, and all appropriate consequences for misbehavior including private discussions with the teacher after class or after school, detention after school, contact with parents, referral to guidance counselor, and/or referral to the administration.
  - Teachers, and all staff, shall be responsible for the early identification of student behavioral problems, alerting appropriate administration officials in a timely fashion, and for the referral of the student to his counselor or the child-study team when ordinary discipline measures do not seem to be effective.
4. **Counselors** – School counselors play an important role in the education of students. In view of this responsibility, guidance counselors are to:
- a. assist students in coping with peer pressure and emerging personal, social and emotional problems;
  - b. initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
  - c. regularly review with students their educational progress and career plans;
  - d. provide information to assist students with career planning;
  - e. encourage students to benefit from the curriculum and extracurricular programs.

- 5. Building Administrators** – As the educational leaders of the school, the administrators set the disciplinary climate for the school. Therefore, they are to:
- a. seek to develop a sound and healthful atmosphere of mutual respect within the school;
  - b. evaluate the program of instruction in the school to achieve a meaningful educational program;
  - c. help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms;
  - d. provide teachers with relief of serious problems as soon as possible and support all building personnel in maintaining appropriate and effective discipline;
  - e. assist staff members in resolving problems which may occur by communicating with them the action taken by the principal on disciplinary matters;
  - f. work closely with parents to establish a wholesome relationship between home and school by sending communications home regularly and promptly;
  - g. establish necessary building security; and
  - h. assume responsibility for the dissemination and enforcement of the District's discipline policy and insure that all cases are resolved promptly.
- 6. Superintendent of Schools** – As the Chief Executive Officer of the school district and the educational system, it shall be the responsibility of the Superintendent to:
- a. take such steps as are necessary to develop, publicize and carry out the rules and regulations for students;
  - b. work with the Principals, law enforcement officials and other agencies to make certain that the rules and responsibilities of each are understood and to make plans for cooperative working arrangements;
  - c. consider and act upon recommendations for suspensions in keeping with the policy of the Board;
  - d. review with each Principal the policies of the Board and state laws relating to discipline;
  - e. listen and react to the view of the total community;
  - f. inform the Board of educational trends relating to discipline;

- g. provide for the development of innovative educational programs which will help to minimize problems of misconduct and which will be sensitive to the needs of the faculty; and
- h. make himself/herself available to each Principal, advising on serious discipline matters and support the Principal so long as the latter has acted in accordance with the disciplinary policies of the school district and the laws of the State of New York.

**7. Board of Education** – The primary task of the Board is to establish school district policy. In this regard, it shall be the responsibility of the Board to:

- a. adopt and support a clearly defined discipline policy for the school district;
- b. approve a procedure for hearing grievances relating to disciplinary action which will protect the rights of all parties in the action;
- c. listen and react to the views of the total community; and
- d. annually review the discipline policy of the school district.

**8. The Disciplinarians**

- a. Maintaining acceptable student behavior is the business of every District employee – principals, teachers, aides, bus drivers, cafeteria workers, custodians, secretaries and all other staff members; it is not just the business of the classroom teacher or the Associate Principal to discipline those who choose to behave badly. All of these people have the responsibility to help students select appropriate behavior patterns. Any one of them has the right to make any reasonable request of a student and/or to question what you are doing or why a student is at a particular location. Further, as they carry out their responsibilities to insure the safety and well being of everyone, they may order a student to do something which is contrary to the student's wishes. It is the student's obligation to comply immediately with any such request or order.

Failure to follow such directions will be considered insubordination and subject the student to severe penalties (including the possibility of suspension).

- b. Some of the kinds of discipline that are used by the faculty and staff are: verbal warnings or reprimands, written warnings or reprimands, requests for parent conferences, requests for conferences with guidance counselors, coaches, advisors, and/or administration, refusal of pass privileges, removal from class to detention room, assignment to short detention, assignment to detention. Infractions which require more serious punishments are used only by the administration, e.g., permanent removal (expulsion) from class, in-school detention, suspension from school, petition to Family Court, Alternative educational programs, expulsion from school.

- c. If a student is serious about his/her education, if he/she respects himself/herself, and if he/she cares about what others think of him/her, the student will learn the rules and follow them.



## STUDENT DRESS CODE

Students are expected to dress and groom themselves in an appropriate manner. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, technology and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines); exposed undergarments.
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- The wearing of hats, visors or any other head covering in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- Any dress or appearance which constitutes a disruption to the educational process.
- Extremely brief or revealing/see-through garments that expose undergarments, etc., are not appropriate.
- Footwear that is a safety hazard will not be allowed. Because of their destructive nature, no metal cleats or taps will be permitted on boots or shoes. Sandals are not permitted in chemistry labs. Students must wear footwear at all times.

Each building principal or his or her designee shall be responsible for informing all students and their parents 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 detention 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.

## **STUDENT SUSPENSION**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or, in his/her absence, an acting Building Principal may suspend a student from school where it is determined that the student:

- is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school, students shall also be subject to suspension based upon a violation of the specific disciplinary infraction.

### **A. Pre-suspension Process**

Prior to being suspended from school on an immediate basis or when a proposed suspension is being considered, the student shall be confronted by a school official empowered to suspend (Building Principal, Acting Building Principal, Superintendent of Schools, District Superintendent, Board of Education), at which time the evidence upon which the decision to suspend is based shall be stated to the student, and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, s/he may be immediately suspended. If the student cannot be confronted at the time of the initial suspension due to safety concerns or mental or physical condition considerations, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable.

### **B. Short-term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing by certified mail, by verified personal delivery, verified express mail or verified overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s)

resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the complaining witness(es) may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. It is the responsibility of the parent/guardian to indicate to school officials if their dominant language is other than English. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonable.

Any appeal of a Principal's suspension must first be presented to the Superintendent of Schools within 5 days and then to the Board of Education prior to filing any further appeal to the Commissioner of Education.

### **C. The Long-term Suspension Process: Suspension for More than Five Days**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent. The Superintendent of Schools may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under the code of conduct, the discipline chart, and various discipline policies and regulations, as well as penalty recommendation pursuant to the penalty parameters described herein.

### **D. Hearing Procedures**

#### Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be sent by certified mail or verified delivery to the parent, who shall have a minimum of 48 hours' notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and made available to the student's representative upon request and that the student has the right to subpoena witnesses, cross examine District witnesses and/or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

### The Long-term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, he/she shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of the credible evidence;
- that a transcript of the proceeding shall be maintained and made available to the student's representative upon request; and
- that the hearing shall be private or open to the public, as determined by the student's parent or representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and

- that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof, and a bifurcated hearing shall be conducted relating to the discipline record to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing. The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended, unless the parent or student has requested an adjournment with the stipulation that the student will remain out of school during the adjournment period. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively. In the event that a student within the compulsory education ages of six, and the school year in which he/she becomes 16, is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

### ***Alternative Instruction***

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

### *Appeals Process*

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board. All appeals to the Board must be in writing and occur within 30 days.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner within 30 days of the decision.

## **REMOVAL OF A STUDENT FROM THE CLASSROOM DUE TO DISRUPTION OF THE EDUCATIONAL PROCESS OR INTERFERENCE WITH THE TEACHER'S AUTHORITY**

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- prior to removal from the classroom (or within 24 hours of removal where the student is unmanageable or presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events before the student is removed;
- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal and the circumstances for the removal from the teacher's class;



- the Building Principal or designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
- the Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools or his/her designee prior to any further appeal.

# **DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

## **STRATEGIES AND PROCEDURES – HIGH SCHOOL**

### **1. Student Behavior**

- a. Students in our District are given every opportunity to make behavioral choices and decisions. Further, they are also held accountable for their actions (commensurate with their age and other factors). For those students who have difficulty in choosing acceptable modes of behavior, the following measures have been identified as appropriate.
- b. A student may be subjected to disciplinary action when the student does not follow teacher, school or Board of Education rules and regulations. Students are subject to the rules and regulations cited in the discipline code while appearing at or attending any school-sponsored activity when that activity is not taking place during normal school hours or on school premises (e.g., athletic contests, field trips, co-curricular activities, student events, etc.).
- c. Further, a student may be subject to discipline for conduct constituting a violation or crime which is committed off of school premises or at non-school-sponsored activities to the extent that the Superintendent of Schools believes that the continued attendance of the student would constitute endangerment to the health, safety, welfare or morals of the student and/or others in the school.

### **2. Disciplinary Options**

The disciplinary options or range of actions which may be imposed for violations of the behavior code include (but are not limited to) the following:

- a. Verbal warning or reprimand
- b. Written warning or reprimand
- c. Parent conference or phone call
- d. Lunch detention
- e. ½ day in-school detention (7:40 a.m. – 11:30 a.m. or 10:41 a.m. – 2:30 p.m.) (\*)
- f. Full-day in-school detention (7:40 a.m. – 2:30 p.m.) (\*)
- g. Suspension from athletic participation (\*)
- h. Suspension from transportation (\*)
- i. Suspension from social or extracurricular activities (\*)
- j. Suspension from other privileges (\*) e.g., permission to park on school property
- k. Exclusion from a particular class (\*)

- l. Suspension from school (\*)
- m. Alternative educational programs (\*)
- n. Long-term or permanent suspension (\*)

(\*) notice to parent required

**Note:** a.-d. above may be assigned by teacher, staff, Athletic Director, or coach as appropriate; others may only be assigned by appropriate administration as further explained below.

It is the policy of the District that student discipline should be progressive; i.e., a student's first offense should not merit as severe a consequence as a repeat offense. It is also the desire of the Board that all relevant factors be taken into consideration in determining an appropriate consequence or penalty.

The above penalties may be imposed alone or in combination, depending on the circumstances, but within the framework of the Code of Conduct.

In addition to the range of actions listed above, the following represent additional kinds of actions which are available at the discretion of the administrator and depending on the particular circumstances and, of course, in compliance with Board Policy and New York State Education Law and State Regulations:

- o. Counseling (\*)
- p. Family Court Proceedings (\*)
- q. Referral of the matter to local or state law enforcement officials (\*)

(\*) notice to parent required

We shall utilize our student-based mediation program to resolve conflicts when appropriate and when all parties involved in the dispute agree to participate. Although this process may sometimes obviate the need for externally imposed discipline, recognized school sanctions will still be considered a viable option in addition to mediation.

### 3. Selected Definitions of Disciplinary Options

(letters correspond to the disciplinary options listed above).

- d. After-school Detention: (2:30-3:30 p.m.) – This detention will be served from the end of classes (2:30 p.m.) until 3:30 p.m. in the room assigned for detentions. Students will not be admitted to the detention room after 2:35 p.m. After-school detentions will be supervised by a school monitor. Students will be expected to work on school projects throughout the afternoon without food, beverage or socializing. Students who fail to serve an after-school detention as assigned will receive progressively more severe punishment (refer to the Administrative Discipline Chart).

- e. Lunch Detention: Students who misbehave may be assigned to one or multiple lunch detentions. These will be served in the detention room. Students who earn lunch detentions may not return to the cafeteria and will be denied cafeteria privileges until the detention is properly served.
  
- f. In-School Detention: An “ISD” begins at 7:40 a.m. and ends at 2:30 p.m. A student assigned to an ISD will report to the detention room at 7:40 a.m. Students are required to bring appropriate schoolwork (homework, school projects, school reading, etc.) with them. Students will receive appropriate instruction and the entire day must be spent on school-related work. Students will be permitted, accompanied by an aide or staff member, to leave the detention room twice in the morning and twice during the afternoon for the purpose of using the bathroom (including getting drink of water) ONLY, unless other reasonable accommodations are appropriate. Lunch will be eaten during a designated time in the detention room.

## **GENERAL NOTE ABOUT DETENTIONS**

Any lateness to after-school detention will result in the student not being admitted. Lateness to detention may be regarded as a cut (see chart for consequences of cut). In addition, if a student is disruptive or uncooperative in detention, the appropriate consequences will be enforced and the detention may be rescheduled.

- g. **Suspension from School (Out-Of-School Suspension):** When a student's misbehavior is deemed sufficiently serious, flagrant or repetitious, the Principal has the responsibility and the authority to suspend the student from school for a period of one but not more than five school days. The purposes of suspensions are to punish the student by removing him/her from the educational process and the school/social environment; emphatically and immediately catch the attention of the student and his/her family to indicate that certain behavior(s) will not be tolerated in the school; set the stage for a disciplinary reinstatement conference which must include the student, the parent or guardian, and a school administrator (usually the Associate Principal); to modify and redirect certain future behavior(s) toward a more socially acceptable norm; and to clearly send a message to the rest of the student body, other parents and the community that we will not tolerate inappropriate conduct in the school.

Offenses which may result in suspensions are listed in the Disciplinary Chart set forth in this regulation.

**Disciplinary Procedures for Suspension** - The Board has delegated to the Building Principals the power to suspend students for a period not to exceed five (5) days. In a non-emergency suspension, the student and his/her parents (or guardian) must be given the opportunity for a conference with the Principal. A student may be suspended immediately, and without prior hearing opportunity, where he/she presents a danger to person or property or an ongoing threat of disruption of the academic process. A suspended student, of compulsory education-age, shall be given access to his/her textbooks and work materials and offered alternate instruction. It shall be the student's responsibility to secure and complete assignments, worksheets, study guides, etc.

No student can be suspended for more than five (5) days without a hearing on reasonable notice to the student and his/her parent or guardian.

Permanent suspension can only result after a Superintendent's Hearing.

A student with a disability shall not be suspended for behavior which is a manifestation of his/her disability unless he/she engages in conduct involving drugs, weapons or serious bodily injury. If a student with a disability is suspended and is of compulsory attendance age, home instruction or other appropriate means of instruction will be offered. If the student's behavior is continually preventing him/her from functioning successfully within the current regular and/or special program, and it is believed that a program review should occur, the student shall be

referred to the Committee on Special Education to determine whether a change in program is appropriate.

In an effort to respond properly to a wide range of serious behavioral problems, the school district employs two types of major sanctions – an "in-school" detention and an "out-of-school" suspension (see definition above for "suspension").

When a student poses a serious threat to himself/herself or others, or when his/her behavior is such that it seriously threatens the orderly conduct of the business of education, and/or when his/her presence, as demonstrated by the severity of conduct or by past evidence of disruptive behavior, or when in-school detention is no longer appropriate, then the District will opt for an out-of-school suspension which will remove the student from the school grounds and after-school activities. Although the student's conduct cannot be controlled during this suspension, this type of penalty is viewed as the more severe of the two.

The in-school detention is a less severe approach and is preferred when it is likely to result in appropriate behavior modification. While the student is being punished, he/she is, nevertheless, kept "within the fold" of the school.

**Pre-Suspension Process:** Prior to being suspended from school on an immediate basis or when a proposed suspension is being considered, the student shall be confronted by a school official empowered to suspend (Building Principal, Acting Building Principal, Superintendent of Schools, District Superintendent, Board of Education), at which time the evidence upon which the decision to suspend is based shall be stated to the student, and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present evidence to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, s/he may be immediately suspended. If the student cannot be confronted at the time of the initial suspension due to safety concerns or mental or physical condition considerations, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable.

**Reinstatement Conference:** Out-of-school suspension requires a reinstatement conference involving the Principal or Associate Principal, a parent or guardian and the student. Typically, the incident(s) causing the suspension is (are) reviewed in detail, background data is shared, including up-to-date teacher assessments and, hopefully, a plan for immediate and long-term behavior improvement is created. It is the responsibility of the parent to arrange for the conference, but every effort will be made to hold the conference at a time convenient for the parent.

**Additional notes pertaining to suspension:** The student is responsible for any classwork and/or assignments missed while on suspension.

A student who is serving a suspension is not allowed to be in the school, on school property, at school events, or participate in any after-school activities. A violation of this requirement of

suspension will be considered trespassing and may result in additional days being added to the original suspension or law enforcement officials being notified.

**Suspension Cases Involving Students with Disabilities:** In the event that a student has a known disability or when school officials can be deemed to know in accordance with law that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges, and second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the rules outlined below shall apply.

**§504/ADA Disability:** For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

- If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
- If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placements i.e. a suspension, removal or transfer, in excess of ten (10) school days, must be preceded by notice and an evaluation conducted by the §504 team.
- Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol or who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

**IDEA Disability:** For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days when aggregated with prior recent suspensions or removals would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred if the Superintendent and/or Building Principal and/or other school official imposing the suspension determine that:

- the parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement or
- the parent of the student has requested an evaluation of the student in writing or
- a teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

- the parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE")
- the parent of the student has refused special education services or
- it was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability

**Manifestation Determinations:** A Manifestation Team shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend and is informed of their right to have relevant members of the CSE participate at the parent's request.

- When making a manifestation determination, 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 parent to determine if:
  - the conduct in question was caused by or had a direct and substantial relationship to the student's disability or
  - the conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.



### **Discipline of Students With Disabilities When the Manifestation Team Makes an Affirmative “Manifestation Finding”:**

When an educationally disabled student’s conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten (10) consecutive school days if one of the following applies:

- the CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice
- a court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained
- the violation involves weapons, drugs/controlled substances or serious bodily injury
- Unless the conduct engaged in involves weapons, drugs or serious bodily injury, if a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.

### **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily**

**Injury:** A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting (“IAES”) for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less) if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

- In accordance with law, the term "weapon" means "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 2-1/2 inches in length."
- In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
- In accordance with law, the term "serious bodily injury" means 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.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving

weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

- If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification.
- A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

**Dangerous Students:** To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

- If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing plan for modification.
- An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE’s recommendation.

**Discipline of Students With Disabilities when the Manifestation Team has made a “No Manifestation Finding”:** Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, to make changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

**Pendency Placement:** An IAES shall be deemed the student's “stay put” placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents to contest: 1) a finding that a student is not “presumed to have a disability”; and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability; and/or 3) a decision to place a student in a CSE recommended IAES for

misconduct involving weapons and/or drugs and/or serious bodily injury; and/or 4) the decision of an impartial hearing officer in a dangerousness hearing; and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

**Student Suspension Process:** The Student Suspension Process as it relates to pre-suspension, short-term suspension, long-term suspension, hearing procedures and the appeals process is in Policy 7313.

## ADMINISTRATIVE DISCIPLINE CHART – HIGH SCHOOL

The referrals (penalties, consequences) set forth in this Administrative Discipline Chart are only guidelines for the determinations of each case by the Administration. As is the desire of the Board of Education, all relevant factors are to be taken into consideration in determining an appropriate consequence or penalty. Thus, the Administration, when supported by relevant facts and appropriate circumstances, reserves the right to impose a more severe penalty than that set forth in the referral column based upon the severity of the incident. Students facing long-term suspension (in excess of five (5) days) have a right to a Superintendent’s Hearing. Students are subject to the rules and regulations cited in the discipline code while appearing at or attending any school-sponsored activity even when that activity is not taking place during normal school hours or on school premises (e.g., athletic contests, field trips, co-curricular activities, student events, etc.). This also includes while on District transportation.

### A. REFERRALS

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
<b>A. General Behavior</b>			
1. Minor Lunch Disruption* * All other lunch disruptions will be considered under Item #10 or #11 (DET = detention)	1-5 DET	1-2 ISD	2-3 ISD with possible permanent removal from cafeteria or reassignment of seating location
2. Insubordination: Failure to obey the reasonable request of staff	1-5 DET	1 ISD	2 ISD
3. Fighting (starting or participating in)	1-5 SUSP	1-5 SUSP	5 SUSP
	Police Notification	Police Notification	Police Notification

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4.	a. Use of abusive, profane or vulgar language, gestures or depictions	1-3 DET	1-5 DET	1-3 ISD
	b. Abusive, profane or vulgar language, gestures, conduct or depictions directed at others	1-5 DET	1-5 ISD	1-5 SUSP
5.	a. Bias: acts of bias and/or inappropriate comments including and not limited to race, religion, gender and disability will not be tolerated	1-3 ISD	1-5 SUSP	5-SUSP
	b. Bullying: intimidation or bullying; threatening, stalking or seeking to coerce or compel a person to do something; engaging in the nonverbal, verbal, written, cyber or physical gestures and/or conduct that threatens another with harm, including intimidation through the use of epithets, natural origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.	1-5 SUSP Police Notification Counseling	5 SUSP Police Notification Counseling	5 SUSP Police Notification Counseling
6.	a. Forgery: unauthorized signing of another name, including parent or guardian to any document without the knowledge or permission of the other person	1-5 DET Counseling	1-5 ISD Counseling	1-5 SUSP Counseling

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b. Cheating/plagiarism/allowing others to copy work	Teacher calls home	1-5 ISD	1-3 SUSP
		Teacher calls home	Teacher calls home
		Dept. Chair notification	Dept. Chair notification
	Credit possibly withheld for assignment or any assessment	Credit possibly withheld for assignment or any assessment	Credit possibly withheld for assignment or any assessment
7. Inappropriate public display of affection (e.g., beyond hand holding and hugging)	Verbal warning	1-3 ISD	1-5 SUSP
8. a. Possession of vulgar material	1-3 DET	1 ISD	1-3 SUSP
b. Sexual exhibitionism	1-5 SUSP	5 SUSP	5 SUSP
c. Sexual harassment (Generally, sexual harassment refers to unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or unwelcomed behavior of a sexual nature which may have the purpose of creating an intimidating, hostile, or offensive learning environment).	1-5 SUSP	5 SUSP	5 SUSP
	Counseling	Counseling	Counseling
9. Classroom disturbance: student behavior that negatively impacts the learning environment, breaking the continuity of the lesson.	Written warning	1-3 DET	1-2 ISD
	Parent notification by teacher	Parent notification by teacher	Parent notification by teacher

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10. Minor disturbances: engaging in any conduct or using any item which does or could reasonably be expected to lead to minor disturbances and/or personal injury	1-3 ISD	2-4 ISD	1-5 SUSP
11. Major disturbances: engaging in any conduct or using any item which does or could reasonably be expected to lead to major disturbance and/or personal injury	1-5 SUSP	5 SUSP	5 SUSP
12.			
a. Minor misuse of technology: to include but not limited to unauthorized use	1-2 ISD	½-2 ISD	1-5 OSS+ Supt Hearing
b. Major misuse of technology: to include, but not limited to, disruption of the educational system due to misuse of school or personal computers or other electronic equipment	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.
c. Sexting: the act of sending sexually explicit or sexually provocative photos, audio, or videos electronically, through personal or school devices.	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.	Range of penalties from 2-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt Hearing. Law enforcement may be involved.

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d.	Use of any form of technology, school or personal, to create and/or distribute any audio, images, or video recordings of students or employees without prior Administrative approval	1-3 ISD or 1-3 SUSP	1-5 ISD or 1-5 SUSP	1-5 SUSP + Supt Hearing
e.	Logging into another student or teacher's computer or account(s)	1-2 ISD	1-3 ISD	1-3 OSS
13.	Misuse of pass/no pass	1-3 DET	1-3 DET	1-3 ISD
		Pass Restriction	Pass Restriction	Pass Restriction
14.	Failure to properly identify self	1-5 DET	1-5 ISD	1-5 SUSP
15.	a. Theft and/or reckless destruction of school or another's property, including the use of another student's ID number.	1-3 ISD Pay damages	3-5 ISD Pay damages	5 SUSP Pay damages
	b. Major destruction of school or another's property	1-5 SUSP	5 SUSP	5 SUSP
16.	a. Cell phones: students are permitted to freely use their cell phones during their lunch period. At no time will cell phones be permitted to disrupt the educational process during the school day.	Verbal warning and/or confiscation	Confiscation, returned at the end of the school day	1-3 ISD Confiscation, to be picked up by parent/guardian

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b. Audio players: may be used during a student's lunch period. Students will not be permitted to wear headphones in the hallway so they may be alert to any announcements or communications from others.	Warning	Confiscation, returned at the end of the school day	1-3 ISD Confiscation, to be picked up by parent/guardian
c. Use of portable/personal speakers in the school during the school day.	Warning	Confiscation, returned at the end of the school day	1-3 ISD Confiscation, to be picked up by parent/guardian

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## B. DISCIPLINE-RELATED OFFENSES

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

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<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
17. Failure to attend or complete detention	1-3 DET	1/2 day ISD	1-3 ISD
18. Failure to attend or complete ISD	1-3 SUSP	3-5 SUSP	3-5 SUSP
19. Transportation infractions	Removal from or disruption to district transportation		

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## C. HEALTH & SAFETY OFFENSES

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
20. Possession of laser pointers; use of personal imaging equipment; use of equipment to disrupt an assembly, or in a manner that disrupts the security system of school or impacts the well-being of others	1-2 DET Confiscation, returned at end of the school day	1-3 ISD Confiscation, returned at end of the school day	1-5 SUSP Confiscation, to be picked up by parent/guardian
21.			
a. Smoking/vaping: use or possession of any tobacco, including but not limited to vaping products, smokeless or otherwise	2-3 SUSP Counseling Confiscation	3-5 SUSP Counseling Confiscation	5 SUSP Counseling Confiscation
b. Sale of tobacco products and lighters, pipes, rolling papers or other smoking paraphernalia, including possession of liquid nicotine and the instruments used to consume it, and vaping apparatus	2-3 SUSP Counseling Confiscation	3-5 SUSP Counseling Confiscation	5 SUSP Counseling Confiscation
22. Expulsion of bodily fluids in a public area, to include spitting on the floor or in containers	1-3 DET Contact parent/guardian	1-5 ISD	1-5 SUSP
23. Leaving campus during the school day without the permission of the school's attendance officer/admin	1 ISD 2 weeks suspension of parking (if applicable)	1-2 ISD 4 weeks suspension of parking (if applicable)	1-2 SUSP Permanent suspension of parking
24. a. Speeding or reckless driving on school grounds	1-3 ISD	3-5 ISD	1-5 SUSP

	2 weeks suspension of parking (if applicable)	4 weeks suspension of parking (if applicable)	Permanent suspension of parking
	Counseling	Counseling	Counseling
	Police Notification	Police Notification	Police Notification
b. Parking: Any parking infraction, including: failure to obtain a parking permit, parking in unapproved/unassigned locations	1-2 DET	1-3 DET	3-5 DET
	2 weeks suspension of parking (if applicable)	4 weeks suspension of parking (if applicable)	Permanent suspension
	Counseling	Counseling	Counseling
	Police Notification	Police Notification	Police Notification

## D. ATTENDANCE-RELATED OFFENSES

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
1. Being on school property for extra-curricular activities during period of ineligibility			
a. Behavioral ineligibility	1-2 ISD	1-2 SUSP	1-5 SUSP
b. Academic ineligibility	3 DET	3 DET	3 ISD
2. Remaining on campus after the school day without permission or without legitimate after-school purpose	Warning Parent notification	1-5 DET	1-5 ISD Trespassing charges and/or police notification

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3.				
	a. Unexcused lateness to class/school	Parent notification by teacher	1-4 DET	½ day ISD
	b. Unexcused lateness to first period when student drives	Parent notification	2 weeks loss of parking privilege	4 weeks loss of parking privilege
4.	Cutting class	1 DET  Parent notification by teacher	½ day ISD	1-5 ISD and/or 1-2 SUSP
5.	Truancy	1 ISD	3 ISD	1-5 SUSP

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**E. COMMISSION OF ACTS WHICH MAY BE CRIMES UNDER CRIMINAL LAWS**

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

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<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
6. Use or possession of alcohol, drugs or drug paraphernalia or a substance which the individual believes or represents to be such drugs or alcohol	5 SUSP  Parent Conference  Police Notification	5 SUSP  Parent Conference  Police Notification	5 SUSP  Parent Conference  Police Notification
7. Alcohol/drug distribution or a substance which the individual believes or represents to be such drugs or alcohol	5 SUSP  Parent Conference	5 SUSP  Parent Conference	5 SUSP  Parent Conference

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	Police Notification	Police Notification	Police Notification
8. False alarm, bomb scare, threat of harm, misuse of technology to make a threat	5 SUSP Parent Conference	5 SUSP Parent Conference	5 SUSP Parent Conference
	Police Notification	Police Notification	Police Notification
9. Possession of fireworks/smoke bombs or any disruptive instrument	1-5 SUSP Parent Conference	3-5 SUSP Parent Conference	5 SUSP Parent Conference
	Police Notification	Police Notification	Police Notification
10. Use or sale of fireworks/smoke bombs or any disruptive instrument	5 SUSP Parent Conference	5 SUSP Parent Conference	5 SUSP Parent Conference
	Police Notification	Police Notification	Police Notification
11. Weapons possession (any instrument or replica thereof that is used or appears capable of use to inflict serious bodily injury) *See Footnote #1	5 SUSP Parent Conference	5 SUSP Parent Conference	5 SUSP Parent Conference
	Police Notification	Police Notification	Police Notification
12. Brandishing any instrument in a confrontational manner	1-5 SUSP Parent Conference	3-5 SUSP Parent Conference	5 SUSP Parent Conference
	Police Notification	Police Notification	Police Notification
13. Causing a fire/arson	5 SUSP	5 SUSP	5 SUSP

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	Parent Conference	Parent Conference	Parent Conference
	Police Notification	Police Notification	Police Notification
14. Assault	5 SUSP	5 SUSP	5 SUSP
	Parent Conference	Parent Conference	Parent Conference
	Police Notification	Police Notification	Police Notification
15.			
a. Harassment: the ongoing creation of a hostile environment by conduct, threat, intimidation, either verbal or by technological means that which substantially interferes with a student's educational performance, opportunities, benefits, either emotionally or physically. To include but not limited to threats or abuse based on religion, disability, sexual orientation, weight, origin, ethnicity, race or color prohibited by the Dignity for All Students Act and/or Federal laws	1-3 SUSP Mediation/ Counseling	3-5 SUSP Mediation/ Counseling	5 SUSP Mediation/ Counseling
	Parent/ Police notification	Parent/Police notification	Parent/Police notification

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b. Discrimination: prejudice treatment, exclusion, or bias from a group or category based on race, creed, gender, etc.	1-3 SUSP	1-3 SUSP	5 SUSP
	Mediation/ Counseling	Mediation/ Counseling	Mediation/ Counseling
	Parent notification	Parent notification	Parent notification
c. Threatening behavior: committing any act which places another individual or could lead to placing another in a state of harm	1-3 SUSP	3-5 SUSP	5 SUSP
	Mediation/ Counseling	Mediation/ Counseling	Mediation/ Counseling
	Police notification	Police notification	Police notification
16. Extortion	5 SUSP	5 SUSP	5 SUSP
	Parent conference	Parent conference	Parent conference
	Police notification	Police notification	Police notification
17. Counterfeiting	5 SUSP	5 SUSP	5 SUSP
	Parent conference	Parent conference	Parent conference
	Police notification	Police notification	Police notification
18. Gambling	1-5 DET or 1-3 ISD	3-5 ISD or 3-5 SUSP	3-5 ISD or 3-5 SUSP
	Parent Conference	Parent Conference	Parent Conference
	Possible police notification	Possible police notification	Possible police notification

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19. Theft (of any item(s))	1-5 ISD or 1-5 SUSP	3-5 SUSP	5 SUSP
	Parent Conference	Parent Conference	Parent Conference
	Possible police notification	Police notification	Police notification
20. Vandalism: Students who willfully destroy, damage, or deface school property shall be subject to disciplinary action	1-5 DET or	1-5 SUSP	3-5 SUSP
	1-3 ISD or 1-5 SUSP	Pay damages	Pay damages
		Parent conference	Parent conference
	Pay damages	Police notification	Police notification
21. Hazing	1-5 SUSP	5 SUSP	5 SUSP
	Parent conference	Parent conference	Parent conference
	Police notification	Police notification	Police notification
22. Trespass on school property including unauthorized presence on school property during a suspension	1-5 SUSP	5 SUSP	5 SUSP
	Parent conference	Parent conference	Parent conference
	Police notification	Police notification	Police notification
23. Any other disciplinary infraction which occurs on campus, school grounds, school bus, school bus stop or off-campus school-sponsored events, when such infraction constitutes a crime under the Penal Laws of the State of New York	3-5 SUSP	5 SUSP	5 SUSP
	Parent conference	Parent conference	Parent conference
	Police notification	Police notification	Police notification

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24. Off-campus misconduct *Footnote #2	1-5 SUSP  Superintendent's hearing	5 SUSP  Superintendent's hearing	5 SUSP  Superintendent's hearing
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**FOOTNOTES**

1. Students may also be subject to the measures described in the Gun Free Schools Act of 1994.
2. Conduct which is committed off of school premises or at nonschool-sponsored activities shall warrant discipline when it is determined that such conduct may endanger the health, safety, morals or welfare of students or adversely affect the education process.

**NOTE:**

A student found guilty of violations of actions covered under the Discipline Code may also be recommended for counseling services.

**KEY TO ABBREVIATIONS:**

DET – After-School Detention – 2:30-3:30 p.m. or Lunch Detention 10:40-11:35 a.m.

ISD – In-School Detention – Start of school (7:40 a.m.) until 2:30 p.m.

SUSP – Out-of-School Suspension

SUPERINTENDENT'S HEARING – Superintendent referral for long-term suspension or permanent suspension hearing

## Guidelines for Eligibility

There are two types of eligibility requirements that students must meet before they may be considered eligible to participate in co-curricular activities – academic and behavioral eligibility.

Students who wish to participate in such activities must understand that their participation is a PRIVILEGE which is extended to them (even if their roles are "behind the scenes"). Thus, each student's school achievement must be reasonably consistent with his/her academic capacity, and his/her behavior and attitudes should reflect his/her respect for others and demonstrate his/her pride in the Warwick Valley School System. Based on this philosophy, students who wish to participate in our co-curricular activities have more to lose if they are declared ineligible (for academic or behavioral reasons) than those students who do not wish to participate.

### **Privileges which are affected by both academic and behavioral ineligibility:**

(THIS LIST IS REPRESENTATIVE ONLY)

- ATHLETICS
- CHEERLEADING
- ATTENDANCE SHEET DISTRIBUTION
- CLASS OFFICES
- CLUBS
- DANCES
- DRAMA
- PARKING
- FIELD TRIPS (when not part of credit-bearing portion of Academic Course)
- FUND RAISING FOR CLASS PASSES
- JUNIOR PROM
- MAGAZINE DRIVE
- MUSICAL CONCERTS
- ONE-TIME EVENTS
- SENIOR PROM/SENIOR TRIP
- SPECTATOR PRIVILEGES
- STANDING COMMITTEES
- STUDENT GOVERNMENT
- TALENT SHOW
- ACADEMIC TEAMS

## Academic Eligibility

The guidelines that will be followed for academic eligibility are as follows:

Students failing two or more subjects will be ineligible for the ten-week marking period that follows. There will be no appeals of this ineligibility to the committee. Students who have two or more failing fourth quarter grades in June will be ineligible for the first ten weeks of the next school year. Students with failing final grades will have the opportunity attend summer school. Upon receiving passing grades in one or more subjects during the summer session, their eligibility will be reviewed to determine if they failed two or more courses for the year.

All State and Federal regulations that apply to students with IEP's will be adhered to.

## Behavioral Eligibility

Behavioral eligibility is based upon the student's ability to adhere to school rules and regulations. Students who get an out-of-school suspension or two (2) or more in-school detentions will be placed on the BEHAVIORAL INELIGIBILITY LIST. A behaviorally ineligible student MUST request a meeting with Administration.

## **INELIGIBILITY STATUS REVIEW – THE PROCESS**

Behaviorally ineligible students are ineligible from the date of the first out-of-school suspension or from the date of the second in-school detention (or within 5 days of the offense pending disciplinary action). Students must make application to Administration within ten (10) days of becoming ineligible. Students will remain ineligible until a meeting is held. When a request is made beyond ten (10) days of the offense, the student will remain ineligible for a period of 30 school days from the date of the meeting. The student may be placed on probation according to the following:

- 1st offense: 30 days of probation
- 2nd offense: 40 days of probation
- 3rd offense: 50 days of probation

If a student is placed on active probation, he/she will be allowed to fully participate in all school activities. The student may not receive additional referrals or violate the Code of

Conduct in any manner. If a student fails to adhere to the school rules and regulations listed in the Code of Conduct, he/she will lose his/her probationary status and become immediately ineligible. A student will remain ineligible for 30 days from the date of the last offense. If a student becomes ineligible subsequent times, Administration may extend the period of ineligibility or probation.

### **PROBATION FOR ACADEMIC AND BEHAVIORAL ELIGIBILITY**

There are three types of probation. In each case, students may appeal the recommendation of the committee directly to the Principal. The decision of the Principal shall be considered final.

- **ACTIVE PROBATION** – The student is allowed to fully participate but must meet all specified conditions of the committee while participating. Failure to satisfy each and every condition of the probation will result in loss of active probation (such as being placed on modified or inactive probation).

**INACTIVE PROBATION** – The student is not allowed to participate in any way with the team, group, etc. until all conditions of the probation are met. This category differs from the straight declaration of ineligibility because it is used for only a limited period of time. Further, this category will often be used in conjunction with other probationary categories. Failure to comply with all of the requirements of this category will result in reclassifying the student as ineligible.

- **MODIFIED PROBATION** – The student is allowed to practice with the team, group, etc. while continuing to satisfy the terms and conditions of the probation but may not participate in competition or otherwise perform in public with the team or group. This category may or may not be used in conjunction with other measures which may provide a structure to help the student improve.

## **STRATEGIES AND PROCEDURES – MIDDLE SCHOOL**

Students are subject to the rules and regulations cited in the discipline code while appearing at or attending any school-sponsored activity even when that activity is not taking place during normal school hours or on school premises (e.g., athletic contests, field trips, co-curricular activities, student events, etc.). The referrals (penalties, consequences) set forth are only guidelines for the determinations of each case by the Administration. As it is the desire of the Board of Education, all relevant factors are to be taken into consideration in determining an appropriate consequence or penalty. Thus, the Administration, when supported by relevant facts, reserves the right to modify the consequences or penalty of the infraction. Infractions are documented using a disciplinary referral form and/or a bus conduct report which the student is expected to give to his/her parent/guardian. This is in addition to written notification to parent/guardian regarding out-of-school suspension.

### **1. Student Behavior**

#### **A. Citizenship and Discipline**

We, in the Warwick Valley Middle School, recognize the importance of the role that discipline plays in our schools and our lives. We believe that good citizenship and discipline cannot be separated. To guarantee a good social and educational climate, it is important that students, in keeping with the level of their maturity, understand that acceptable standards of behavior are expected at all times.

Warwick Valley Middle School teachers and staff want and expect students to become good citizens. It is each student's responsibility to display qualities of good citizenship. Good conduct is expected in the classroom, in the halls, in the cafeteria, on the playground, when leaving school grounds, and on buses. Discipline will be administered for misconduct and when any individual's actions interfere with the right of teachers to teach and students to learn.

#### **B. Disciplinary Philosophy**

We, in the Warwick Valley Middle School, believe that a preventive discipline approach facilitates and nurtures self-direction and self-control. Self-direction and self-control are an integral part of our Middle School mission. We believe that the maintenance of discipline is an ongoing process which involves more than just the establishment and execution of a series of policies and punishments. Ideally, the home, the community and the school work together to instill a network of positive, socially accepted values within each child that promotes self-direction and self-control. Pursuant to this, we believe a sound disciplinary code and process incorporates the following components:

1. Well-defined and understood rules in terms of what:
  - a. the school expects of that student;
  - b. the student expects of the school;
  - c. the parent expects of both the student and the school.
  
2. Well-defined and understood disciplinary procedures based upon:
  - a. recognition of levels and degrees of seriousness of student's behavior;
  - b. recommended actions to be taken at each level; and
  - c. identification of specific personnel to be involved at each step of the disciplinary process.
  
3. Fair, firm, and consistent enforcement and follow-through with discipline.
  
4. A belief that student discipline should be treated as a positive learning experience from which students learn to accept responsibility for their action.
  
5. A staff commitment to promote dignity, fairness and honesty in the disciplinary process.

## **2. Disciplinary Options**

Students in the Middle School are given every opportunity to make behavioral choices and decisions. Further, they are to be held accountable for their actions commensurate with their age and other factors.

Teachers, parents, students, administrators, and support personnel are to be aware of the total referral process and the scope of individual actions and responsibilities at each level. The process is progressive and the disciplinary entry level depends upon the seriousness of the offense, the habitual behavior of the student, and actions taken and results attained at previous levels.

For those students having difficulty in choosing acceptable modes of behavior, the following measures have been identified as appropriate:

- a. Warnings (oral or written)
- b. Parental contact (oral or written)
- c. Detention during or after school (teacher detention and office detention)
- d. In-school detention
- e. Suspension from school for 1-3 days
- f. Suspension from school for up to 5 days
- g. Extracurricular ineligibility
- h. Suspension from athletic participation
- i. Loss of social activities (e.g., attendance at a dance)
- j. Loss of field trip privileges
- k. Suspension from transportation
- l. Permanent suspension

The following are examples of student behavior(s) that will result in disciplinary actions when they occur at school or during school-sponsored activities. The penalties and consequences set forth below are only guidelines for the determinations of each case by the Administration. As it is the desire of the Board of Education, all relevant factors are to be taken into consideration in determining an appropriate consequence or penalty. Thus, the Administration, when supported by relevant facts, reserves the right to modify the consequence or penalty of the infraction and to notify local authorities.

Once it is determined that a student will receive an out-of-school suspension, the student will remain in the main office (and be assigned school work) until such time as the suspension takes effect.

The student and his/her parent also have the right to question complaining witnesses. If the complaining witness is a student, that student has the right to have a parent or guardian present.

It is important to note that the Middle School employs a progressive model of discipline. This means a consequence may reflect the number and severity of previous infractions.

A. Level One Infraction: Should be handled within the framework of class or school rules by effective action. Appropriate disciplinary responses include counseling, warning and detention.

1. Minor class disturbances
2. Pass misuse
3. Lateness to class
4. Littering
5. Inappropriate displays of affection
6. Carelessness in following class rules, school rules and/or staff directions
7. Pushing, running
8. Inappropriate dress: e.g., dress affecting health or safety
9. Violation of general classroom rules
10. Minor lunchroom/recess misbehavior
11. Unauthorized buying or selling of candy and/or other items on school property
12. Behavior disruptive of learning environment.
13. Possession, display or use of laser pointers or other disruptive items such as (but not limited to) skateboards or heelys during the school day.

Consequence for Level One Infraction #13:

First Offense/Violation – The item will be confiscated, and the students will not have the item returned until the end of the school day.

Second/Third Offense/Violation – The item will be confiscated. The student will not have the item returned until his/her parent/guardian comes to the office to claim it.

**B. Level Two Infractions:** Parents or guardians may be contacted. The student is to be referred to an administrator or counselor. Appropriate disciplinary responses include counseling, after-school administrative detention and in-school detention (ISD).

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
1. Repeated Level One Infractions	1-2 DET	2-3 DET	1-3 ISD
2. Staying after school without permission	1-2 DET	2-3 DET	½-1 ISD
3. Skipping detention	2-3 DET	1-2 ISD	2-3 ISD
4. Disruptive or inappropriate behavior	1-2 DET	2-3 DET	1-3 ISD
5. Forgery	1 ISD Parent Notification	1 ISD Parent Notification	
6. Chronic lateness to school (5 unexcused in a marking period or 10 cumulative)	1-2 DET	2-3 DET Parent letter	1-2 ISD
7. Chronic lateness to class (5 unexcused in a marking period or 10 cumulative)	1-2 DET	2-3 DET	1-2 ISD
8. Profanity directed/undirected	1-2 ISD/1-2 DET	2-3 ISD	1-2 OSS
9. Minor vandalism	1-2 DET	2-3 DET	1-3 ISD
10. Gambling	1-2 DET	2-3 DET	1-3 ISD



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11. Skipping class	1-2 DET	1-2 ISD	2-3 ISD
12. Leaving school property without permission	1-2 ISD Possible police referral	2-3 ISD Possible police referral	1-2 OSS Possible police referral
13. Cheating/plagiarism, copying or (allowing) homework (credit without for assignment)	Teacher calls parents Referral/reprimand	1-2 ISD	2-3 ISD
14. Possession of provocative material	2-3 DETS	1-2 ISD	1-3 OSS
15. Cafeteria misconduct	2 DETS/1 ISD	1-2 ISD	1-3 OSS
16. Taunting and teasing (Nonverbal, verbal, written, cyber or physical)	2 DETS/1 ISD	1-2 ISD	1-3 OSS
17. a. Cell phones are not permitted to be used or to be visible during the academic day while on school grounds.	Verbal Warning	Confiscation – returned at the end of the school day	Confiscation – to be picked up by parent/guardian
b. Audio players: Students will not be permitted to wear personal headphones, wired or wireless, during the academic day while on school grounds to be alert to any announcements or communications from others.	Verbal Warning	Confiscation – returned at the end of the school day	Confiscation – to be picked up by parent/guardian
c. Use of portable/personal speakers on school grounds during the academic school day is not permitted.	Verbal Warning	Confiscation – returned at the end of the school day	Confiscation – to be picked up by parent/guardian

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Consequences for Level Two (2) Infractions may involve support staff intervention.

C. Level Three Infractions: Are more serious in nature, require parental contact, may involve school counseling, and will result in suspension from school and/or in-school detention and possible referral to an alternative educational placement. In addition, the following referrals may be made: Referral to Superintendent to consider a suspension in excess of five school days, referral to Family Court, PINS Petition, or notification of appropriate police agency.

Repeated Level Three infractions may result in referral for a Superintendent's Hearing.

Referral of student for parent conference, possible superintendent hearing, counseling and/or family court may result from any offense/violation listed below.

<i>Offense/Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
1. Repeated Level Two Infractions	OSS 1 day	OSS 2-3 days	OSS 3-5+ days
2. Possession, transmission, and/or use of tobacco/vaping products on school property or at school activities	OSS 1-2 days	OSS 2-3 days	OSS 3-5+ days
<i>Footnote: May also result in a referral to County Health Department for use of tobacco.</i>			
3. Intimidation, threats, harassment, bullying**	ISD/OSS 1 day	OSS 1-3 days	5 SUSP+ Supt. Hearing
a. Bias/Discrimination: acts of bias and/or inappropriate comments including and not limited to race, religion, and gender will not be tolerated.	Counseling 3 ISD	Counseling  1-5 OSS	Counseling 5 OSS  Supt. Hearing
b. Harassment: the ongoing creation of a hostile environment by conduct,	1-3 DET  Mediation/	1-3 ISD  Mediation/	1-3 OSS  Mediation/

threat, intimidation, either verbal or by technological means that which substantially interferes with a student's educational performance, opportunities, benefits, either emotionally or physically.	Counseling	Counseling	Counseling
c. Bullying: intimidation or bullying: threatening, stalking or seeking to coerce or compel a person to do something; engaging in the nonverbal, verbal, written, cyber or physical gestures and/or conduct that threatens another with harm, including intimidation through use of epithets, natural origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.	Counseling 1-5 ISD	Counseling 1-5 OSS	Counseling 5 OSS Supt. Hearing
4. Instigating a physical confrontation	ISD/OSS 1 day	OSS 1-2 days	OSS 3-5 days
5. Participating in a fight	ISD/OSS 1 day	OSS 2-3 days	OSS 4-5 days
6. Vandalizing, damaging, or stealing school or private property	ISD/OSS 1 day	OSS 2 days	OSS 3-5 days
7. Possession, transmission and/or use of matches, lighters, or other flammable material	ISD/OSS 1 day	OSS 2 days	OSS 3-5 days
8. Brandishing any object in a confrontational manner	ISD/OSS 1 day	OSS 2 days	OSS 3-5 days
9. Insolence, disrespect, insubordination or intentionally misrepresenting fact or truth to a staff member	1-2 DET	ISD ½-1 day	OSS 1-5 days

10. Profanity directed to staff	1-2 ISD	OSS 1-2 days	OSS 3-5+ days
11. Any behavior which results in the humiliation or embarrassment of another	ISD/OSS 1 day	OSS 2 days	OSS 3-5+ days
12. Any behavior which endangers the health, safety and welfare of another or him/herself	ISD/OSS 1 day	OSS 2 days	OSS 3-5+ days
13. Sexual harassment	OSS 1-2 days	OSS 2-3 days	OSS 3-5+ days
14.			
a. Minor misuse of technology: to include but not limited to unauthorized use	1-2 ISD	½-2 ISD	1-5 OSS+ Supt. Hearing
b. Major misuse of technology: to include, but not limited to, disruption of the educational system due to misuse of school or personal computers or other electronic equipment	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt. Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS+ Supt. Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS+ Supt. Hearing. Law enforcement may be involved.
c. Sexting: the act of sending sexually explicit or sexually provocative photos, audio, or videos electronically, through personal or school devices	Range of penalties from 1-5 days OSS to 5 days OSS+ Supt. Hearing. Law enforcement may be involved.	Range of penalties from 2-5 days OSS to 5 days OSS+ Supt. Hearing. Law enforcement may be involved.	Range of penalties from 1-5 days OSS to 5-days OSS+ Supt. Hearing. Law enforcement may be involved.
d. Use of any form of technology, school or personal, to create and/or distribute any audio, images, or video recordings of students or employees without	1-3 ISD or 1-3 OSS	1-5 ISD or 1-5 OSS	1-5 OSS w/Supt. Hearing

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prior Administrative approval			
e. Logging into another student or teacher's computer or account(s)	1-2 DET	1-3 ISD	1-3 OSS
15. Truancy (partial or full day)	ISD ½-1 day	ISD 2 days	ISD 3-5 days

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**\*\* Definition of bullying:** threatening, stalking or seeking to coerce or compel a person to do something; engaging in the nonverbal, verbal, written, cyber or physical gestures and/or conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, natural origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.

**D. Level Four Infractions:** Up to five-days out-of-school suspension and possible police notification. The following referrals may be made: Superintendent's hearing (to consider a suspension in excess of five school days), counseling and Family Court.

1. Possession, transmission, use and/or intent to buy, sell or use alcohol, tobacco products or drugs, or a substance which the individual believes or represents to be such alcohol, tobacco products or drugs, on school property, at school-sponsored events (on or off campus), or is found to be under the influence of drugs or alcohol on school grounds.
2. Possession, transmission and/or use of fireworks or other explosive materials.
3. Possesses or displays or threatens the use of a weapon, bomb, dangerous instrument capable of inflicting physical injury or death.
4. False alarms
5. Assault and/or intent to cause bodily harm
6. Possession or transmission of drug paraphernalia or any apparatus which the individual believes or represents to be such paraphernalia on school property or at school activities.
7. Any type of sexual misconduct/sexual harassment.

### **C. Specific Policies**

#### *A. Attendance Violations*

1. All students are required to report to school on time and be ready for a full day of learning unless they have excused reasons for being late. Students arriving late will report to the attendance office where an admit slip will be issued. If an excuse from a parent is not presented, the tardiness will be

shown as unexcused. An admit slip must be shown to the teacher upon entering class or the absence is recorded as unexcused.

2. All students are to report on time to all classes as assigned unless there are excused reasons. Students reporting to class late should present a pass from the person who detained them, or an admit slip. A student who is late to class without an excuse will be reprimanded and referred to the office for disciplinary action after five unexcused latenesses in a single marking period or ten unexcused latenesses cumulative.
3. Attendance in class throughout the day is the responsibility of the student. If a student is absent, it is his or her responsibility to establish that this absence was legitimate and to request and complete required work that was missed.
4. When a teacher has established that a student has cut a class, the office must be notified immediately.
5. Students who are absent from school on the day of an activity, in the judgment of an administrator, may not participate in a school event that evening unless the reason for the absence is a funeral, court appearance, etc.
6. Students are to have a pass when leaving their assigned area. Staff should not excuse students from class except for emergencies or to perform special study assignments in the library.

#### *B. Transportation Services*

The bus driver is in charge of the vehicle. Student conduct is expected to be orderly and not impair the safety of a moving vehicle. All school rules and regulations on behavior, safety and courtesy apply on the bus, as well as in the school building. Students refusing to adhere to the ten-foot crossing rule when boarding a bus or after leaving the bus may be charged with misconduct. Articles which pose a danger cannot be taken on the bus. The general rule is the item should not be larger than may be safely carried on the student's lap or held between their legs so as not to obstruct the aisles or interfere with passenger seating space, safety or comfort.

Riding the school bus is a privilege, not a right. The privilege may be removed or disciplinary action taken if the individual's conduct is abusive, dangerous to oneself or others, or destructive to the vehicle. Bus drivers will report the misconduct of students to the Building Principal or Associate Principal and Director of Transportation by submitting a bus conduct report. After students receive a bus conduct report, they are interviewed by the Building Principal or Associate Principal, the parents are contacted and appropriate action taken. If the student's behavior warrants, the privilege of riding the bus may be taken away.

The suggested discipline guideline to be followed is not to be considered as minimum or maximum penalties, but rather to be used at the Principal's or Associate Principal's discretion based on the individual circumstances.

For all grade levels, a student may be removed from a school bus prior to a first report if his/her behavior is such that it endangers the health or safety of himself/herself as well as other students; e.g., striking or cursing a bus driver, or fighting on the bus or causing a delay in the timely transport of other students.

Students will board and depart only their assigned bus at their established stop. The boarding stop and departure stop may be different for the assigned bus but must remain the same stop for five days a week. Exceptions will be made only in cases of emergencies or extenuating circumstances in which the student must obtain a special pass from his/her Principal. An emergency change is for a given period, usually less than a week, and may include such items as hospitalization, death, etc.

When late buses are provided for after-school activities, proper behavior is expected. Students must have approval from a supervising teacher or coach in order to get on the bus.

Late buses may not drop students off at the normal bus stop. Late bus stops are assigned to service general areas. Students may have to walk home from the nearest late bus stop.

### *C. Appropriate Dress*

It is expected that you will dress appropriately for school. Clothing that is distracting or a health concern is unacceptable.

Pants with revealing holes, pajama/lounge pants and low-riding pants are considered inappropriate clothing for school. Undergarments should not be visible. **Extremely brief or revealing garments such as tube tops, net tops, plunging necklines (front and/or back), see through garments, etc. are not appropriate. Male students must have sleeves that cover the shoulders, for hygienic reasons.**

Hats and/or hoodies may not be worn in the school building. This is essential to help identify students. Hats and coats are a distraction and may not be worn inside of the building. Leave your coats and jackets in your cubby or locked in your hall lockers. If you have a medical reason that requires you to wear a coat in class, please see an administrator for permission.

Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);

Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and message consisting of sexual metaphors);

Any dress or appearance which encourages or advocates in favor of illegal activities, the use of illegal drugs, alcohol and/or tobacco, and/or other conduct prohibited by the Code of Conduct.

Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;

Students who violate the student dress code shall be asked to modify their appearance by covering or removing the offending item and, if possible or practical, replacing it with an acceptable item.

#### *D. Hall Behavior*

Rowdy behaviors such as running, pushing, shoving, whistling, kicking and throwing objects are prohibited. Students are expected to walk in the halls at all times. There is to be no loitering or boisterous conduct.

#### *E. Lockers*

1. Students are expected to use their lockers wisely and not spend much time there. It is especially important not to be late to class because of standing around lockers.
2. Each student must use an approved Master Lock (V54) with a key slot in the back.
3. Students should not let anyone know their combination and/or use their locker.
4. As necessary, locker usage will be restricted.
5. The locker area is restricted after school. Students are expected to go to lockers at the end of the school day prior to reporting to activities. Students involved in sports are expected to take all necessary books and personal items to place in gym lockers.
6. Students are expected to keep their lockers clean and will pick up any trash they are responsible for on the floor. Lockers are school district property and are subject to District search at any time.



#### *F. School Dances*

1. Attendance at dances shall be limited to students in the Warwick Valley Middle School only, Grades 7 and 8.
2. Students are expected to abide by all school rules while at dances. A student may be removed from the dance for misconduct. Students may not leave a dance early without parental consent and notification of school officials.
3. Any student who has had multiple discipline referrals and has served a day of ISD or OSS ten school days prior to the day of a dance or absent the day of the dance will be excluded from attending that dance as determined by the principal.
4. Students must be picked up immediately after the dance is over. Any student still waiting to be picked up thirty minutes or longer after the dance ended will require a parent or guardian chaperone to attend the next dance.

#### *G. Cafeteria and Recess*

1. During lunch and recess, the following rules are expected to be followed:
  - a. go to lockers before and/or after lunch/recess. The locker area is off limits during lunch;
  - b. going to lunch is like changing classes. Students have 3 minutes to arrive in the cafeteria or to arrive back to class from the cafeteria; and
  - c. follow all school rules while in assigned lunch area pertaining to courtesy, safety, and cleanliness.
  - d. Students must adhere to their lunch and recess assignments which can only be changed by an administrator.
2. During recess, students are expected to behave in a safe manner and follow all instructions issued by monitors.
3. Cafeteria and recess privileges will be restricted for those students not behaving and may also be subject to discipline in accordance with the Code of Conduct.

#### *H. Bicycles*

Students may ride bikes to school if they follow the following rules:

1. written permission from parents;
2. a sturdy lock for the bike. The school is not responsible for bike security;
3. do not ride near school buses; and
4. do not ride on the grass on school property.
5. behavior that is a danger to the rider or others will result in the loss or riding privileges.

*I. Concerts and Assemblies*

When students go to an assembly, the following rules will be enforced:

1. being orderly when entering the program;
2. finding a seat quietly and quickly;
3. showing good manners at all times; and
4. being orderly when leaving.

## **ACADEMIC ELIGIBILITY**

The guidelines that will be followed for academic eligibility in the Middle School are as follows:

Students failing two or more subjects will be ineligible for the ten-week marking period that follows. There will be no appeals of this ineligibility to the committee.

Students who have two or more failing fourth quarter grades in June will be ineligible for the first ten weeks of the next school year. Students with failing final grades will have the opportunity to attend summer school. Upon receiving passing grades in one or more subjects during the summer session, their eligibility will be reviewed to determine if they failed two or more courses for the year.

All State and Federal regulations that apply to students with IEP's will be adhered to

## **BEHAVIORAL ELIGIBILITY**

Behavioral eligibility is based upon the student's ability to adhere to school rules and regulations. Students who get an out-of-school suspension or two (2) or more in-school detentions will be placed on the BEHAVIORAL INELIGIBILITY LIST. A behaviorally ineligible student MUST request a meeting with Administration.

## **INELIGIBILITY STATUS REVIEW – THE PROCESS**

Behaviorally ineligible students are ineligible from the date of the first out-of-school suspension or from the date of the second in-school detention (or within 5 days of the offense pending disciplinary action). Students must make application to Administration within ten (10) days of becoming ineligible. Students will remain ineligible until a meeting is held. When a request is made beyond ten (10) days of the offense, the student will remain ineligible for a period of 30 days from the date of the meeting. The student may be placed on probation according to the following:

- 1st offense: 30 days of probation
- 2nd offense: 40 days of probation
- 3rd offense: 50 days of probation

If a student is placed on active probation, he/she will be allowed to fully participate in all school activities. The student may not receive additional referrals or violate the Code of Conduct in any manner. If a student fails to adhere to the school rules and regulations listed in the Code of Conduct, he/she will lose his/her probationary status and become immediately ineligible. A student will remain ineligible for 30 days from the date of the last offense. If a student becomes ineligible subsequent times, Administration may extend the period of ineligibility or probation.

## **PROBATION FOR ACADEMIC AND BEHAVIORAL ELIGIBILITY**

There are three types of probation. In each case, students may appeal the recommendation of the committee directly to the Principal. The decision of the Principal shall be considered final.

- **ACTIVE PROBATION** – The student is allowed to fully participate but must meet all specified conditions of the committee while participating. Failure to satisfy each and every condition of the probation will result in loss of active probation (such as being placed on modified or inactive probation).
- **INACTIVE PROBATION** – The student is not allowed to participate in any way with the team, group, etc. until all conditions of the probation are met. This category differs from the straight declaration of ineligibility because it is used for only a limited period of time. Further, this category will often be used in conjunction with other probationary categories. Failure to comply with all of the requirements of this category will result in reclassifying the student as ineligible.
- **MODIFIED PROBATION** – The student is allowed to practice with the team, group, etc. while continuing to satisfy the terms and conditions of the probation but may not participate in competition or otherwise perform in public with the team or group. This category may or may not be used in conjunction with other measures which may provide a structure to help the student improve.

## **STRATEGIES AND PROCEDURES – ELEMENTARY SCHOOLS**

Students are subject to the rules and regulations cited in the discipline code while appearing at or attending any school-sponsored activity\* even when that activity is not taking place during normal school hours or on school premises (e.g., athletic contests, field trips, co-curricular activities, student events, etc.). The referrals (penalties, consequences) set forth are only guidelines for the determinations of each case by the Administration. As it is the desire of the Board of Education, all relevant factors are to be taken into consideration in determining an appropriate consequence or penalty. Thus, the Administration, when supported by relevant facts and appropriate circumstances, reserves the right to impose a more severe penalty based upon the severity of the incident.

### **Introduction**

The district strives to create and maintain a positive learning environment for all students. To that end, the district supports Positive Behavior Interventions and Supports (PBIS) with all students and staff. PBIS is an approach to address student behaviors and includes proactive interventions and strategies for defining, teaching, and supporting appropriate student behaviors. Each school has a system of acknowledgements to recognize students and motivate them to be their best in the classroom as well as on the playground, in the hallways, the cafeteria, and on the bus.

The objective of a code of behavior for the Warwick Valley Central School District Elementary Schools is to establish guidelines that will foster a spirit of communication, cooperation, tolerance and respect among the students and other members of the school community. These guidelines should help school staff and children understand the need to model good behavior and to take responsibility for their own behavior. Maintaining a program of acceptable pupil behavior is of major importance.

The purpose of this code of behavior is to provide general regulations governing the behavior of elementary students. Each member of the school community is required to function in accordance with this code. This code shall be mandatory and enforced uniformly among the Warwick Valley Central School elementary buildings.

Students must assume responsibility for their own learning, be responsible learners and assume the responsibility for exhibiting conduct that does not infringe upon the right of another. The school has the right to expect reasonable and self-disciplined behavior from each student.

At the same time, the school must seek to protect the right of every student to an education and provide safeguards for the health, safety and rights of each individual.

Along with the Principal, faculty and staff, the students are responsible for creating and maintaining an atmosphere in which learning can take place with growth and pleasure for everyone involved.

\* Riding to and from school on school bus is a school-sponsored activity.

It is the responsibility of all students, their parents and staff members to become familiar with the code of behavior that follows. Students must recognize that when they engage in unacceptable conduct, they will be subject to disciplinary action.

### 1. Student Behavior

Students have the responsibility of avoiding any behavior that is detrimental to their own or other students' achievement of educational goals. Students must cooperate in maintaining reasonable orderliness in the school and in the classroom, take reasonable care of books and other instructional materials, and encourage a climate where learning is cherished. Most particularly, students must refrain from engaging in conduct that violates the provisions of this code of behavior and respect school property and the property of others.

### 2. Attendance

All students are required to report to school on time and be ready for a full day of learning unless they have excused reasons for being late. Students arriving after the school day begins will have to report to the attendance office where an admit slip will be issued. If an excuse from a parent is not presented, the tardiness will be shown as unexcused. An admit slip must be shown to the teacher upon entering class, or the absence is recorded as unexcused. After three unexcused tardies, the Attendance Monitor will notify the Principal.

### 3. Disciplinary Options

Warwick Valley Central School District Elementary Schools believe that discipline is a skill resulting from training and practice in choosing behavior appropriate for a specific situation. The act of choosing implies that the best discipline is self-discipline.

With PBIS students experience supports based on their behavioral responsiveness to intervention. All students receive support through a three-tiered prevention model.

- Tier I: Universal classroom practices for all students.
- Tier II: Systems for student with at-risk behaviors that are not met at Tier I.
- Tier III: Systems for students with high-risk behavior.

A definition of discipline that is most compatible with the elementary school philosophy states: "Discipline is the ability to identify the character of a circumstance or situation to

determine one's most constructive role in it, to carry out that role directly, to sustain it as long as necessary, and to learn from the consequences of one's actions. Such skill is learned; it is taught best by people who are willing to demonstrate it in their own lives." (Wayson 1985)

At the elementary level, consequences for infractions will be decided on an individual case basis and dictated by circumstance.

The Student Suspension Process as it relates to pre-suspension, short-term suspension, long-term suspension, hearing procedures and the appeals process is in Policy 7313.

At the discretion of the Principal, teacher or staff member, students not following the discipline policy will be subject to the following set of elementary school student discipline guidelines:

### The Elementary Schools Student Discipline Guidelines (Infractions and Consequences)

#### I. Level One

##### a. Infractions

1. Inappropriate behavior;
2. Inappropriate/profane language or gesture;
3. Disruptive behavior;
4. Disrespectful behavior;
5. Dress code violation;
6. First bus incident
7. Non-instructional display or use of cell phones, headphones/earpods, digital cameras, digital phones, watches with phone capabilities, personal imaging equipment, radios, personal audio, or electronic games during the school day.

##### b. Consequences – All infractions should be handled within the framework of class or school rules and by the staff involved with the student at the time of the infraction. Any number of the following consequences may be applied.

1. one-to-one reminder on appropriate behavior;
2. one-to-one reminder and/or reprimand on the inappropriateness of the infraction and a reminder on exercising appropriate behavior;
3. one-to-one warning that a repeat of the infraction will lead to further consequences (Level II type);
4. use of a related behavior modification technique or activity;
5. use of isolation, loss of privileges or detention;

6. make an apology, amends, fixes damage, or makes restitution; and
7. contact teacher, parents or guardians.

## II. Level Two

### a. Infractions

1. Repeated Level One Infractions;
2. Dishonesty;
3. Insubordination;
4. Forgery;
5. Truancy;
6. Misuse of technology;
7. Harassing or Bullying behaviors;
8. Second bus incident.

- b. Consequences – The student infraction(s) may need to be documented and referred to the Principal if Level One Consequences have failed to correct the behavior. The student’s parents will be contacted immediately by teacher and/or Principal. Any number of the following consequences may be applied.

1. at the direction of the Principal and/or Associate Principal, a student discipline file and anecdotal record may be initiated;
2. one-to-one meeting with the Principal where the infraction will be reviewed, made part of the written record of the student discipline file maintained by the Principal, and recommendations will be made for appropriate behavior so the infraction is not repeated;
3. severe reprimand by the Principal on the inappropriateness of the infraction and a warning that a repeat of the infraction will lead to further consequences (Level III);
4. use of a related behavior modification technique or activity by the Principal;
5. use of isolation, loss of privileges or detention (as directed or conducted by the Principal);
6. after-school detention;
7. counseling; and
8. fixes damage and/or makes restitution.

## III. Level Three

### a. Infractions



1. Repeated Level Two Infractions;
  2. Endangering the health, safety and/or welfare of self or others;
  3. Physical aggression;
  4. Possession of a weapon, firearm, or other dangerous/illegal substance;
  5. Vandalism;
  6. Theft;
  7. Third bus incident.
- b. Consequences – The student’s parents will be contacted immediately by the teacher and/or Principal. A discipline file will be established. Any number of the following consequences may be applied.
1. parental visit to school and conference with Principal;
  2. in-school detention and/or loss of privileges;
  3. after-school detention;
  4. ½-day suspension;
  5. 1-day suspension;
  6. 1-3 day suspension;
  7. 5-day suspension;
  8. 5+ days’ suspension with Superintendent’s Hearing;
  9. counseling and intervention; and
  10. fixes damage and/or makes restitution.

\*\*\*Definition of bullying: threatening, stalking or seeking to coerce or compel a person to do something; engaging in the nonverbal, verbal, written, cyber or physical gestures and/or conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, natural origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process. It is usually, but not necessarily, repeated over time.

# **ROLE OF THE POLICE IN THE WARWICK VALLEY CENTRAL SCHOOL DISTRICT**

## **The Police Should be Called When...**

1. their assistance is needed in any life or property threatening situation;
2. there is a possibility that a crime has been committed; or
3. required to do so according to the disciplinary strategies and procedures.

## **Guidelines When Police Are Called**

1. The administration should turn over any pertinent/related/relevant data in its possession to the police. In the event that the data to be turned over would constitute student records or student record information, such information should only be turned over to the police with written parental consent, or in the event there is a health or safety emergency, unless there is a subpoena or court order. This information will include relevant facts, as well as the names of individuals actually or possibly involved including student-witnesses.
2. Unless there is a warrant or court order, the police will be asked to interview student-suspects or student-witnesses after school according to normal police procedures and not on school grounds without parental permission.
3. The school should take no position as to whether or not prosecution should go forward in a particular case.
4. The school should not impede a police investigation.
5. The school shall not put itself in the position of advising students of their rights or possible consequences under the law.

## **Administrative Sanctions**

1. Administrative punishments will be imposed swiftly based on the weight of the evidence available to the school administration without having to wait for the outcome of a pending criminal case dealing with the same facts and circumstances.
2. School officials may determine in-school sanctions based on "proof by a preponderance of the credible evidence" and not the stricter standard of "beyond a reasonable doubt."
3. School sanctions will conform to the student discipline strategies and procedures.

## **Parent Notification**

Whenever the names of students (whether as witnesses to a crime or as alleged suspects) are given to the police (or any law enforcement agency), the administration shall notify the parent or guardian of this fact.

## **THE ROLE OF HOMEWORK IN OUR CLASS MANAGEMENT AND POLICIES**

Teachers who employ a coherent, clearly established series of sound classroom management techniques have fewer discipline problems with students and are able to usually resolve those that occur in a fair, humane, and expeditious fashion. Homework, when properly used and integrated into the daily routine, can be considered one of these techniques and, hence, plays a role in our discipline structure.

We know that when students fall behind in classwork, they can become easily discouraged. This negative feeling can fester and manifest itself in unacceptable student behavior. Teachers, aware of this possibility, use an orderly flow of daily and long-range assignments to help students keep up with classwork, weave the completion of homework into their classroom management program, and consciously prepare students -- teach students -- to accept the responsibility for all of their classwork. Further, this system can be easily modified to help those who need extra support.

Additionally, teachers who are well prepared for their classes are able to plan these appropriate out-of-class assignments which enhance their students' understanding of the lesson, unit and course. This timely work serves to reinforce the students' recent learnings, build upon current material, and prepare the students for the next day's classwork. When students are well prepared, they are better able to participate in all of the class' activities. Following this pattern, students who are fully engaged in the process of education are too busy to be discipline problems in class or out of class. These students value their time in school and use strategies of cooperation, not those of divisiveness. Homework, while not the only factor in this cycle, is unquestionably one of its major components.

## **DIFFERENTIATED EDUCATIONAL PROGRAMS**

Students "learn" in many different ways and in a variety of settings. In addition, students who are placed in a setting where they are highly motivated and challenged, develop a caring, responsible attitude towards school and experience success will have fewer disciplinary problems. In recognition of these factors, the Warwick Valley School District offers students many alternate educational opportunities.

Some of these are listed below:

- Tutorial programs during and after school
- Computer "labs"
- Alternative Class Programs
- Transitional classrooms (elementary grades)
- "Me-Me" Program
- Flexible scheduling and/or programming at all levels
- Honors and advanced placement classes
- Talented and Gifted (TAG) programs

- Special Art and Music opportunities
- Wide-ranging extracurricular and co-curricular opportunities
- BOCES vocational education opportunities
- BOCES training for the high school equivalency diploma
- Work-study programs through BOCES
- BOCES Alternative PM Program
- Career placement tests and counseling
- ASVAB placement tests for the Armed Services
- Special counseling and psychological services
- Special Education programs
- Special individual and small group assistance programs assigned by the Committee on Special Education
- Mediation programs for conflict/dispute resolution
- National Honor Society
- Home instruction by certified teachers
- Summer school availability in neighboring facilities

Students may gain access to these programs either through the Guidance Department, the school administration, or directly with the personnel involved.

### **PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES**

The Warwick Valley Central School District is committed both philosophically and by contract to make a wide range of in-service and staff development opportunities available to all District employees. In addition to programs specifically designed to increase an individual's effective application of the District's discipline policies, the Principal or other appropriate administrator in each school shall also review and/or highlight school conduct and discipline procedures at appropriate times during each school year (for example, at faculty meetings, at department chairperson meetings, at department staff meetings, at new staff meetings, and by memo).

Further, the Superintendent and the Warwick Valley Teachers' Association can also address the topic of discipline, when appropriate, at their meetings.

## **THE ROLES OF THE BOARD OF EDUCATION AND THE SUPERINTENDENT IN OUR DISCIPLINE POLICY**

It is the role of the Warwick Valley Central School District Board of Education to formulate policies to promote the educational objectives of the District, foremost among which is encouraging a climate of mutual respect and governance by self-discipline. Likewise, it is the Board's responsibility to direct its agents to promulgate regulations to implement our policies, to review both policies and regulations periodically, and to revise them when necessary.

The Superintendent, acting as the Board's agent, supervises the formulation of the document; works with his/her administrators to insure that their respective philosophies of discipline mesh with the Board's position; fosters a "team approach" concerning discipline which involves, in a positive manner, the student, teacher, parent/family, administrator and himself/herself; and establishes a timely review of the policy with his/her staff. Additionally, because the Superintendent advises the Board, he/she, too must understand the evolution of the policy as he/she helps the Board in its review and adoption procedures. Finally, the Superintendent can be most persuasive in helping our students and their families to understand the role that discipline plays in our educational system and in our lives.

### **SUSPENSIONS**

#### **A. Introduction**

The rights afforded to students in our District to attend the public schools are substantial as expressed in the New York State Constitution, Education Law, Policies of the Board of Education, and as set forth in the listing of our Students' Rights & Responsibilities. Furthermore, the School District believes that the school setting is the appropriate and desirable one for young people of school age. However, a student's rights are subject to limitation, suspension and, in certain instances, permanent suspension from attendance in our schools when his/her conduct or condition is found to be violative of the provisions of these codes. As section 3214(3a) of the Education Law provides, the Board, the Superintendent, a Principal or, in his/her absence, an acting Principal, may suspend a student from attendance and/or instruction where it is determined that the student:

- a. is insubordinate or disorderly, violent or disruptive, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- b. exhibits a physical, mental or emotional condition(s) which endangers the health, safety or morals of himself/herself or of other students.

In other words, when a student's misbehavior is deemed "serious," the Principal has the responsibility and the authority to suspend the student from school for a period of one but not more than five school days. The purposes of suspensions are to punish the student by removing him/her from the educational process and the school/social environment, emphatically and immediately catch the attention of both the student and his/her family to

indicate that certain behavior(s) will not be tolerated in our school, set the stage for a disciplinary reinstatement conference which must include the student, the parent or guardian, and a school administrator (usually the Principal or Associate Principal), to modify and redirect certain future behaviors toward more socially acceptable norms, and to clearly send a message to the rest of the student body, other parents, and the community that we will not tolerate inappropriate conduct in our school.

Examples of why students might be suspended are (but are not limited to): using foul language in school, fighting, sexual abuse of students or staff, participating in the use or sale of illegal drugs, bringing alcoholic beverages onto school property, and carrying, displaying or using any type of weapon.

## **B. Pre-Suspension Process**

Prior to being suspended from school on an immediate basis or when a proposed suspension is being considered, the student shall be confronted by a school official empowered to suspend (Building Principal, Acting Building Principal, Superintendent of Schools, District Superintendent, Board of Education), at which time the evidence upon which the decision to suspend is based shall be stated to the student, and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, s/he may be immediately suspended. If the student cannot be confronted at the time of the initial suspension due to safety concerns or mental or physical condition considerations, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable.

## **C. Types of Building Level Penalties**

In an effort to respond properly to a wide range of serious behavioral problems, we employ lunch detention, after school detention, in-school detention, and out-of-school suspension. When a student poses a serious physical threat to himself/herself or others, when even his/her presence in the building may trigger an unwanted response from himself/herself or others, or when in-school detention is no longer appropriate for an individual, we then opt for an out-of-school suspension which effectively removes the student from the school grounds and after-school activities. Although we cannot control how effectively the student uses his/her time during in-school detention, we view the complete student-school separation as being the most serious.

### ***Detention***

Teachers, principals and the superintendent may use recess or after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### ***In-School Detention***

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes Building Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school detention."

A student subjected to an in-school detention is not entitled to a full hearing pursuant to Education Law §3214; however, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the In School Detention to discuss the conduct, present his/her side of events and confront complaining witnesses, and the penalty involved prior to assigning the student to in-school-suspension.

### ***Suspension from Transportation Service***

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the Building Principal. The Building Principal will confront the Student about the alleged misconduct prior to effectuating a transportation suspension. Students who become serious disciplinary problems may have their riding privileges suspended by the Building Principal or the superintendent. In such cases, the student's parent will become responsible for seeing that the child gets to and from school safely. Should the suspension from transportation be a long term suspension that amounts to a suspension from attendance; the school district will afford the student with a due process hearing in accordance with Education Law Section 3214.

### ***Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions***

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a Code of Conduct issued to participants in the activity by the activity supervisor, coach or athletic director. Said suspending authority shall confront the student prior to suspension, offer the student notice of the reason for his/her suspension and provide an opportunity to present his or her version of the events. Written notice of the student's suspension from an extra-curricular, co-curricular activity or school function shall be sent by the suspending authority to the student and his/her parents by hand delivery or express mail to ensure receipt within 24 hours. Said notice shall inform the parent and student of their right to an informal conference with the suspending authority at which they will have the opportunity to confront complaining witnesses and present evidence in the student's defense. Following said meeting, a final decision will be reached regarding the suspension. Appeal of the suspension may be made to the student's Building Principal within 14 days. Upon the request of the student's parent, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

#### **D. The Reinstatement Conference**

In all cases, the school desires that each suspension have a reinstatement conference involving the Principal or Associate Principal, the parent, and the student. Typically, the incident(s) causing the suspension is (are) reviewed in detail, background data is shared including up-to-date teacher assessments, and a student-devised plan for immediate and long-term behavior improvement is created. The reinstatement conference is to be arranged by the parent. Whenever possible, the conference is made at the parent's convenience.

#### **E. Suspension Cases Involving Disabled Students**

Except as authorized by law, students with disabilities shall not be subject to disciplinary action where it is determined that the conduct or condition underlying the alleged infraction of the disciplinary code is a manifestation of the student's disability. A determination will be made by the CSE as to whether or not the alleged infraction may be caused by or related to the student's disability in accordance with law. In the event that it is determined that the alleged infraction is a manifestation of a disability, then the CSE shall review the student's IEP and make appropriate recommendations regarding the performance of a Functional Behavior Assessment (FBA) and/or updates to a Student's Behavior Intervention Plan (BIP). In the event that it is determined that the alleged infraction is not related to a disability, then the student will be subject to the appropriate penalties as established in the Discipline Code including suspension.

When appropriate (and always after suspension), the District's Committee on Special Education shall be apprised of the infraction(s) and resulting discipline. In the event that the district's Committee on Special Education determines that an incorrect assessment of the case was made or that the student was inappropriately disciplined, then the matter shall be reconsidered and the record appropriately modified.

#### **F. The Suspension Process**

The Student Suspension Process as it relates to pre-suspension, short-term suspension, long-term suspension, hearing procedures and the appeals process is in Policy 7313. A student with a disability may be suspended for conduct that is a manifestation of their disability when the conduct involves weapons, drugs or serious bodily injury, as defined by 8 NYCRR 201.7. The District has the ability to suspend up to 45 school days.



## **G. Red Flag Law**

Where a Building Principal believes that a student is likely to engage in conduct that may result in serious harm to themselves or others, after consultation with the Superintendent and legal counsel, such Building Principal may seek a Temporary and/or Final Extreme Risk Protection Order to prohibit a student's access to firearms.

## **CONDUCT PROHIBITED ON SCHOOL DISTRICT PROPERTY**

In order to maintain public order on school property or at school-sponsored activities, the Board has prohibited the following conduct or acts on school property by students, teachers, staff members, licensees and/or invitees.

1. the willful physical injury of any person or the threat to use force which would or could result in such injury;
2. the harassment or coercion of any person;
3. the willful disruption of the orderly conduct of classes or of any other school program or activity;
4. the willful damage to, or destruction of, property. Students have the responsibility to respect all school property and refrain from vandalism;
5. the entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the District or to attend an activity or function authorized thereby;
6. the willful interference with lawful authorized activities of others;
7. the possession, consumption, sale or exchange of alcoholic beverages, unauthorized drugs, controlled substances, or narcotics of any kind;
8. the possession, display or use of any object that reasonably can be considered a weapon;
9. the violation of any federal or state statute, local ordinance, or Board policy;
10. the refusal or failure of any person to comply with a lawful order or direction of any official of the school district in the performance of his/her duties;
11. the distribution or posting of any written material, pamphlets or posters without the prior approval of the Superintendent or designee; or
12. loitering on or about any school building or grounds without written permission or in violation of posted rules.

In addition to appropriate disciplinary rules and procedures set forth in this regulation, school officials shall, where warranted, contact appropriate law enforcement officials when any prohibited conduct is a violation of criminal laws.

## **SCHOOL ATTENDANCE AND PARTICIPATION IN AFTER-SCHOOL ACTIVITIES**

The following guidelines will be used for participation in all after-school activities including athletic practices and competition, dances, proms, ceremonies, drama productions, one-time events (such as battle of the bands, talent show, etc.), and special occasions (such as homecoming):

1. Students who, in the judgment of the administration, arrive late to school without an excuse, leave school early without an excuse or who have unexcused absences from school will be denied permission to participate in after-school activities as either a participant or a spectator. Examples of excused and unexcused lateness and absences appear in the Attendance section of the Student Handbook. Insofar as weekend or holiday events are concerned, attendance on the last school day preceding the event will be applicable.
2. Students who have excused absences from school or who are sent home for medical reasons (or to the doctor/emergency room during the school day) may not participate in after-school activities on that day unless prior permission is obtained in writing from the school administration.

## **SCHOOL NEWSPAPERS, DISTRIBUTION OF NON-SCHOOL PUBLICATIONS AND MATERIALS AND SYMBOLIC EXPRESSION**

### **Overview**

The free and vigorous exchange of ideas is crucial to the democratic and the educational processes and shall be encouraged in the schools.

### **1. SCHOOL NEWSPAPER**

Each building's official school newspaper affords students an opportunity to participate in the activity of learning how to report the news events of the school as well as for the sincere expression of all facets of student opinion. The following guidelines shall apply to materials published in our school newspapers:

- a. All materials shall be subject to prior review by the official advisor of each school newspaper and by the Principal of the building where the newspaper is published. Their decisions regarding publication shall be made within three school days.
- b. Either the advisor to the school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education, may prohibit the publication of school newspaper materials, advertisements or articles to the extent that they:
  1. clearly endanger the health, safety or welfare of students;
  2. imminently threaten to disrupt the educational process of the school;

3. constitute libelous, obscene, vulgar, indecent, lewd writing; or
  4. threaten any person or group in the school or advocate discrimination on the basis of gender, veteran status, age, race, color, religion, creed, national origin, marital status, sexual orientation or disability;
  5. substantially interfere with or impinge upon the rights of other students;
  6. might reasonably be perceived to advocate illegal or controlled substance use, sexual conduct that would endanger the physical and/or mental well-being of individuals or conduct otherwise inconsistent with the shared values of the community;
  7. associate the school with any position other than neutrality on matters of political controversy.
- c. Newspaper ads will be limited to products and services, must conform to Paragraph 1.b., subsections 1-7 above, and must identify the purchaser of the ad and advertiser if they are not one in the same.
- d. Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in the school newspaper, the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three school days of the request for review of the initial decision to prohibit such publication. \*Hazelwood School District vs. Kuhlmeier (1988)

## **2. NON-SCHOOL PUBLICATIONS AND MATERIALS**

Publications or materials other than the official school newspaper(s) may be distributed by students at locations beyond the limits of the school grounds and on occasions other than at school-sponsored activities without the authorization of school officials.

Distribution of printed materials other than the school newspaper such as handouts, flyers, petitions, leaflets, or other literature on school grounds requires approval by the building administration. Approval will only be denied on the basis of Paragraph 1, Subsection b (1-7).

Two copies of the material to be distributed must accompany the request at least three school days prior to the time of distribution.

The application for approval of distribution must be made to the Building Principal who, if approval is granted, shall establish the time and place of distribution to assure that the process will not be disruptive of education in the building.

If the request is denied by the Principal, it shall be so stated in writing with the reasons for the denials. An appeal to the Superintendent of Schools shall be based on the Principal's denial

whereupon the Superintendent shall rule upon the suitability of the material within three school days of his/her receipt of the appeal.

Commercial materials may not be distributed within the school by students or others.

### **3. SYMBOLIC EXPRESSIONS**

Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code."

Ref:

- Educational Law §§2801; 3214
- 8 NYCRR §§100.2(1)1, 2

# **WARWICK VALLEY CENTRAL SCHOOL DISTRICT**

## **Student Code of Conduct for Extracurricular Activities, Co-curricular Activities and Interscholastic Sports**

### **CODE OF CONDUCT**

Student-athletes and those involved in extracurricular and co-curricular activities are very visible within the school and are often admired and respected. Therefore, it is imperative that student involved in co-curricular and extracurricular activities and athletes in the WVCSD conduct themselves properly. In addition, student-athletes, co-curricular and extracurricular participants are representing the school system and community while participating in interscholastic athletics, extracurricular and co-curricular activities.

Student-athletes and those involved in co-curriculars and extracurriculars are expected to be cooperative, orderly, and respectful to faculty, staff, and students. Conduct which is insubordinate or which endangers the safety, morals, health, and welfare of others will be subjected to disciplinary action. Student-athletes and those involved in co-curriculars and extracurriculars are encouraged to maintain reasonable standards in the area of dress and grooming.

While representing WVCSD at activities or on the playing field, student-athletes, co-curricular or extracurricular participants should: refrain from profanity and vulgarity; never resort to dangerous and illegal tactics; show respect for officials, opposing coaches, opponents, and spectators; be gracious in defeat and humble in victory and avoid physical and verbal confrontations.

### **CODE OF CONDUCT OF AN ATHLETE/PARTICIPANT**

The conduct of an athlete and those participating in co-curricular or extracurriculars is closely observed in many areas of life. Behavior must be above reproach.

**School** – An athlete/participant must plan his/her schedule so that he/she gives sufficient time and energy to his/her studies to insure acceptable grades. An athlete/participant should have a good attendance record.

Members of an athletic team or co-curricular/extracurricular activities are required to conduct themselves as good citizens both in and out of school. Conduct “unbecoming an athlete/participant” will result in appropriate disciplinary action.

Coaches and advisors and the Administration will address reported incidents of inappropriate behavior in an effort to resolve the matter and maintain an atmosphere which is recognized as acceptable.

A student in violation of rules which results in suspension from school will be ineligible to participate in practices, games or attend athletic events or extracurricular or co-curricular activities during the time of suspension. A student given in-school detention will not be eligible to practice or play in a contest or participate in extracurricular or co-curricular events during the suspension.

**Hazing** – Any hazing of fellow athletes/participants is strictly prohibited. A violation of the hazing policy will result in disciplinary action which may include suspension or removal from the team/activity.

### **Player Ejection Policy**

Any athlete ejected from a contest for any reason shall be suspended for the next contest as outlined by the Section IX guidelines.

The next contest is defined as the next game in which the disqualified athlete is eligible to play, whether it is in that sport season, the next sport season, or the next year. A player who might be injured (for example, during a fight from which he or she was ejected) would be ineligible for the first contest for which he or she is medically cleared.

Sectional, regional, and state games are NOT exempt from this rule. If a disqualified player plays illegally in a contest, that contest is subject to forfeiture.

## **STUDENT-ATHLETE/PARTICIPANT CODE OF BEHAVIOR/ETHICS**

It is the responsibility of the student-athlete/participant to:

1. Demonstrate self-control and respect for others at all times be they officials, spectators, or other athletes/participants.
2. Remember that participation in athletics/extracurriculars and co-curriculars is a privilege that is not to be abused by unsportsmanlike/inappropriate conduct.
3. Deal with opponents with respect. Shake hands after the competition and congratulate them on their performance.
4. Respect the integrity and judgment of the officials.
5. Remember that improper behavior while in uniform or representing WVCSD reflects poorly upon yourself, your family, your school, and your community.
6. Understand and abide by the rules and regulations of the game/event.

7. Accept victory with grace and defeat with dignity.
8. The Warwick athletic/co-curricular/extracurricular policy's basic rule is NEVER do anything which will bring embarrassment or an unfavorable view to your teammates, coaches, family, school or community. Examples of improper behavior:
  - a. Stealing of any kind, including athletic clothing, supplies and/or equipment – ours or opponent's.
  - b. Vandalism or property destruction.
  - c. The use of inappropriate language, obscene language or swearing while engaged in co-curricular activities and interscholastic sports is not acceptable behavior.

Any abuse will bring consequences. These penalties may vary from suspension from the team to restriction for that season and/or year.

## **PURPOSE OF EXTRACURRICULARS/CO-CURRICULARS AND INTERSCHOLASTIC SPORTS**

1. We at the Warwick Valley Central School District believe that a student's participation in an extracurricular or a co-curricular activity or an interscholastic sport can be a rewarding and valuable experience. Student involvement in school activities and sports programs can improve self-esteem and physical fitness, teach students how to contribute to the welfare of a team, improve their ability to make quick decisions in pressure situations and provide hours of enjoyment. This code applies to all extracurricular and co-curricular activities and interscholastic sports.
2. As a member of a team or group, students represent not only the Warwick Valley Central School District, but also their parents, coaches, advisors and community. Therefore, certain responsibilities accompany student participation. The following list of rules and the consequences resulting for abusing them should be read and understood by all. In order to participate in co-curricular activities, extracurricular activities and interscholastic sports, an agreement relating to this code must be signed by both the student and the parent/guardian. These agreements are available from coaches/advisors. By signing this code, students are pledging that they will abide by the rules listed herein.
  - a. An in-season (participating) athlete/extracurricular or co-curricular participant shall neither be in possession of an alcoholic beverage nor consume an alcoholic beverage.
  - b. An in-season athlete/extracurricular or co-curricular participant shall neither be in possession of a tobacco product nor use a tobacco product.



- c. An in-season athlete/extracurricular or co-curricular participant shall not be in possession of, under the influence of, or be consuming or using marijuana, anabolic steroids, vaping products, or any illegal and/or controlled substance or prescription drug not prescribed for the student by a licensed medical practitioner. Students who find themselves at a location where prohibited or illegal activities are taking place must make every effort to safely leave the location as soon as possible. Students shall never intentionally visit a destination where prohibited or illegal activities are occurring or are planned to occur. Students may not share inhalers or any other prescribed medicines. The use of “over-the-counter” drugs, diet supplements, chemicals or any other substances designed to enhance performance is prohibited.
- d. An in-season athlete/extracurricular or co-curricular participant shall neither frequently earn suspensions or abuse school rules (as described in the Student/Parent Handbook and the Warwick Valley Central School District Code of Conduct) nor display behavior which could be detrimental to himself/herself, other students, the team, the school or the community.
- e. The use of inappropriate language, obscene language or swearing while engaged in extracurricular/co-curricular activities and interscholastic sports is not acceptable behavior.

## **RULES AND PROCEDURES PERTAINING TO SUBSTANCE ABUSE**

***The use of tobacco, vaping products, alcohol and/or illegal drugs as defined is prohibited:***

**Tobacco** – Includes smoking tobacco products, possessing, chewing tobacco and using or possessing smokeless tobacco.

**Vape Apparatus** – Electronic nicotine and vape delivery systems, which include e-cigarettes, vaping pens, e-hookah and similar devices which contain nicotine.

**Alcoholic Beverages** – Includes using, possessing, being under the influence of alcohol or being present where alcohol is being used by minors.

**Drugs** – Includes using or possessing any illegal drug or any substance represented as a controlled substance (a look-alike), being present where illegal drugs are being used, or having drug paraphernalia.

**Anabolic Steroids** – The use of anabolic steroids is strictly prohibited.

An in-season athlete/participant shall not be in possession of, under the influence of, or be consuming or using marijuana, anabolic steroids, vaping products or any illegal and/or controlled substance or prescription drug not prescribed for the student by a licensed medical practitioner. Students who find themselves at a location where prohibited or illegal activities are taking place must make every effort to safely leave the location as soon as possible.

Students shall never intentionally visit a destination where prohibited or illegal activities are occurring or are planned to occur. Students may not share inhalers or any other prescribed medicines. The use of “over-the-counter” drugs, diet supplements, chemicals or any other substances designed to enhance performance is prohibited.

**A first violation** will result in:

- A loss of a minimum of two weeks of eligibility of playing time.
- Referral to a drug/alcohol counselor for assessment.
- Minimum of 10 hours community service.
- Option of practice while ineligible.

**A second violation** will result in:

- A loss of scheduled contests/activities for a minimum of 4 weeks of playing time. This suspension may carry into the next sport season or the next year in which the student participates. Sectional, regional or state games are NOT exempt from this rule.
- A mandated formal evaluation including, but not limited to, Substance Abuse, Smoking Cessation and/or Anger Management, depending on the individual’s behavior, at a certified Alcohol and Drug Clinic. The student must comply with the recommendations of the Agency before being reinstated on an athletic team.
- A minimum of 20 hours of community service.
- The option to only practice with the team/activity while ineligible to participate in contests/activities.

**A third and any subsequent violation** will result in:

- A loss of all interscholastic athletic activities for one (1) calendar year.
- A mandated formal evaluation, including but not limited to, Substance Abuse, Smoking Cessation and/or Anger Management, depending on the individual’s behavior, at a certified Alcohol and Drug Clinic. The student must comply with the recommendations of the agency before being reinstated on an athletic team.
- A minimum of 30 hours of community service.

When a suspension is carried over to the next sport season, the coach/advisor and the Athletic Director/Principal will use their discretion to determine if the athlete may try out after the season begins.

**THESE CONSEQUENCES ARE CUMULATIVE THROUGHOUT A STUDENT'S ATHLETIC CAREER. A STUDENT MAY NOT RETURN TO ANY ATHLETIC PARTICIPATION IF HE OR SHE HAS NOT FOLLOWED ALL THE CONDITIONS OF EACH VIOLATION.**

- **Scheduled contests** are defined as actual games used in the team's overall record or activities involved in the schedule of co-curricular and extracurricular activities.
- **Scrimmages/exhibitions/practices** are not contests, and athletes are restricted from participating during the time of their suspension.

A coach or advisor of a extracurricular/co-curricular activity may impose additional requirements which are unique to his/her activity or sport. These additional requirements will be presented in writing at the initial practice or organizational meeting.

Before being disciplined for a violation of the above rules, the student will be informed orally of the violation of the code with which he/she is being charged and will have the opportunity to offer defense during an informal conference.

***Violation of abuse rules and regulations will result in the following procedures and consequences:***

1. The athlete/participant accused of being in violation of these rules, along with the athlete's parents, will meet with the coach, Athletic Director or School Principal (if necessary) to discuss the accusation and the proposed discipline.
2. If the athlete/participant or parent is not satisfied with the decision of the administration, the parent or student has the right to appeal to the Superintendent of Schools or his/her designee. If not satisfied with the decision of the Superintendent or his/her designee, they have the right to appeal to the Board of Education. If not satisfied with the decision of the Board of Education, they have the right to appeal to the New York State Commissioner of Education. The athlete/participant may not participate until the appeal is complete.
3. Student in school disciplinary issues which result in suspensions will impact student eligibility to practice, participate and play in extracurricular/co-curricular/ interscholastic activities.

## **Reinstatement Conference**

Out-of-school suspension requires a reinstatement conference involving the Principal or Associate Principal, Athletic Director, a parent or guardian and the student. Typically, the incident(s) causing the suspension is (are) reviewed in detail, background data is shared, including up-to-date teacher assessments and, hopefully, a plan for immediate and long-term behavior improvement is created. If the administration is satisfied that the student's attitude, behavior and situation have improved, the student will be readmitted to the school. It is the responsibility of the parent to arrange for the conference, but every effort will be made to hold the conference at a time convenient for the parent.

## **SCHOOL ATTENDANCE AND PARTICIPATION**

1. Students who arrive “illegally late” to school, leave school early illegally or who are illegally absent will be denied permission to participate in after-school athletics, co-curriculars or extracurricular activities.
2. Students who are legally absent from school or who are sent home for medical reasons (or to the doctor/emergency room during the school day) may not participate in after-school athletics, co-curriculars or extracurriculars on that day. A student who has recovered from being sick during the day should sign in with the attendance clerk by noon in order to be eligible for participation that day.
3. Students who leave school early for legal reasons must report back to the attendance office by 1:00 p.m. or have obtained written permission from the school administration in order to participate in after-school athletics, co-curriculars or extracurriculars on that day.

## **ACADEMIC ELIGIBILITY**

The guidelines that will be followed for academic eligibility in the Middle School are as follows:

Students who have two or more failing grades in June will be ineligible for the first ten weeks of the next school year. Students with failing final grades will have the opportunity to attend summer school. Upon receiving passing grades in one or more subjects during the summer session, their eligibility will be reviewed to determine if they failed two or more courses for the year.

All State and Federal regulations that apply to students with IEP’s will be adhered to.

## **BEHAVIORAL ELIGIBILITY**

Behavioral eligibility is based upon the student's ability to adhere to school rules and regulations. Students who get an out-of-school suspension or two (2) or more in-school detentions will be placed on the BEHAVIORAL INELIGIBILITY LIST. A behaviorally ineligible student MUST request a meeting with Administration.

## **INELIGIBILITY STATUS REVIEW – THE PROCESS**

Behaviorally ineligible students are ineligible from the date of the first out-of-school suspension or from the date of the second in-school detention (or within 5 days of the offense pending disciplinary action). Students must make application to Administration within ten (10) days of becoming ineligible. Students will remain ineligible until a meeting is held. When a request is made beyond ten (10) days of the offense, the student will remain ineligible for a period of 30 days from the date of the meeting. The student may be placed on probation according to the following:

- 1st offense: 30 days of probation
- 2nd offense: 40 days of probation
- 3rd offense: 50 days of probation

If a student is placed on active probation, he/she will be allowed to fully participate in all school activities. The student may not receive additional referrals or violate the Code of Conduct in any manner. If a student fails to adhere to the school rules and regulations listed in the Code of Conduct, he/she will lose his/her probationary status and become immediately ineligible. A student will remain ineligible for 30 days from the date of the last offense. If a student becomes ineligible subsequent times, Administration may extend the period of ineligibility or probation.

## **PROBATION FOR ACADEMIC AND BEHAVIORAL ELIGIBILITY**

There are three types of probation. In each case, students may appeal the recommendation of the committee directly to the Principal. The decision of the Principal shall be considered final.

***ACTIVE PROBATION*** – The student is allowed to fully participate but must meet all specified conditions of the committee while participating. Failure to satisfy each and every condition of the probation will result in loss of active probation (such as being placed on modified or inactive probation).

***INACTIVE PROBATION*** – The student is not allowed to participate in any way with the team, group, etc. until all conditions of the probation are met. This category differs from the straight declaration of ineligibility because it is used for only a limited period of time. Further, this category will often be used in conjunction with other probationary categories. Failure to comply with all of the requirements of this category will result in reclassifying the student as ineligible.

***MODIFIED PROBATION*** – The student is allowed to practice with the team, group, etc. while continuing to satisfy the terms and conditions of the probation but may not participate in competition or otherwise perform in public with the team or group. This category may or may not be used in conjunction with other measures which may provide a structure to help the student improve.

## **PARENT/SPECTATOR CODE OF BEHAVIOR/ETHICS**

It is the responsibility of the parent/spectator to:

1. Keep cheering positive. There should be no profanity or degrading language/gestures.
2. Avoid actions which offend visiting teams or individual players.
3. Show appreciation of good play by both teams.
4. Learn the rules of the game in order to be a better-informed spectator.
5. Treat all visiting teams in a manner in which you would expect to be treated.
6. Accept the judgment of coaches and officials.
7. Encourage other spectators to participate in the spirit of good sportsmanship.
8. Avoid the use, abuse and resulting negative influences of drugs, including alcohol and tobacco.

## HEALTH EXAMINATION

Student-athletes must receive medical clearance from the school Health Office before they may practice or try out for an athletic team. The following guidelines outline the process for obtaining this clearance:

1. Physical exams **MUST** be done by the school district physician or personal physician and are considered current for 12 continuous months. Student-athletes are required to obtain a completely new physical if the previous physical date expires before the upcoming sport season. Physicals need to be sent to and kept on file in the nurse's office.
2. All student-athletes and their parents must complete the Health History form prior to each sport season. The school nurse will review the information to ensure safe participation.
3. Questions or information regarding medical clearance can be obtained by calling the Health Office in the student's school.

## PRACTICE AND GUIDELINES

Athletes and those involved in extracurriculars and co-curriculars are expected to attend all practice sessions/meetings/rehearsals. If you are absent from school for illness, you may not practice or attend related functions. When an athlete/participant is in school but cannot practice for a legitimate reason, the coach/advisor must be informed prior to practice/meeting/rehearsal time. Practice/meeting/rehearsal time is critical. Tardiness to practice/meetings/rehearsals will not be tolerated. An athlete/participant must practice at full speed or be ready for the day's meeting/rehearsal in order to make improvement.

**“Practice/rehearsal does not make perfect. Perfect practice/rehearsal makes perfect.”**

Practices/rehearsals often are scheduled on Saturdays and holidays. Student-athletes/participants should be aware that postponed contests/events are rescheduled and played the next available day. There are no practices or games scheduled on Sundays, unless authorized by the Administration.

## TRANSPORTATION

All squad members/participants shall normally ride to and from games in vehicles provided by the District. This is to be considered standard procedure. There are times, on occasion, where it may be necessary for a parent to pick up an athlete/participant after a game. This should be cleared with the athletic office/Principal prior to game time and a written note to the coach/advisor from the parent of the student(s) to be picked up will be required. This note will indicate who the responsible adult will be who is picking up the student(s). Parents/guardians who are picking up their own child shall be required to sign off on the sheet provided by the coach/advisor.



I acknowledge that I have read the **Warwick Valley Central School District Student Code of Conduct for Extracurricular Activities, Co-curricular Activities and Interscholastic Sports** and agree to comply with the Code in letter and spirit.

\_\_\_\_\_  
\*\*Student Signature

\_\_\_\_\_  
Date

I acknowledge that I have read the **Student Code of Conduct for Extracurricular Activities, Co-curricular Activities and Interscholastic Sports** for participation in the Warwick Valley Central School District Athletics and agree to encourage my son/daughter to comply with the Code in letter and spirit.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\*\*This signifies official notification that the above student is participating in athletics.

Adopted: June 18, 2007, effective July 1, 2007  
Revised: June 9, 2008, effective July 1, 2008  
Revised: June 24, 2009, effective July 1, 2009  
Revised: August 23, 2010, effective July 1, 2020

## **Discipline of Students with Disabilities**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or, in his/her absence, an acting Building Principal may suspend a student with an educational disability for a short-term (5 school days or less) in the same manner as non-disabled students may be suspended. A principal's designation of an Interim Alternative Educational Setting must be made in consultation with the student's special education teacher.

In the event that a student has a known disability or when school officials can be deemed to know – in accordance with law, that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

### **§504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of ten (10) school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol, who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

## **IDEA Disability**

For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

## **Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, 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 to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### **Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.

2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

### **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "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 2-1/2 inches in length."
2. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term "serious bodily injury" means 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.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

## **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

1. The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE’s recommendation.

## **Discipline of Students with Disabilities when the Manifestation Team has made a “No Manifestation Finding”**

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

## **Pendency Placement**

An IAES shall be deemed the student's “stay put” placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not “presumed to have a disability”, and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer

in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

### **Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

## **CORPORAL PUNISHMENT COMPLAINTS**

The Board of Education asserts that corporal punishment is not a desirable method of enforcing decorum, order or discipline. The Board prohibits the use of corporal punishment by District employees.

- A. No teacher, administrator, officer, employee or agent in the district shall use corporal punishment against a pupil.
- B. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil, except as otherwise provided in subdivision (C), below.
- C. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:
  - 1. to protect oneself from physical injury;
  - 2. to protect another student or teacher or any other person from physical injury;
  - 3. to protect district property or the property of others;
  - 4. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of District functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts.

### **Investigation of Complaints**

Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools. This written complaint will be forwarded to the School Attorney within 7 (seven) days. The Superintendent shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the School Attorney upon completion of the investigation.

### **Reports to Commissioner of Education**

Reports shall be submitted to the Commissioner of Education on or before January 15th and July 15th of each year concerning complaints about the use of corporal punishment during the six-month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the District.



## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the District is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect is prohibited.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon District property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order.

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

### **Prohibited Conduct**

In order to maintain public order on school property or at school-sponsored activities, the Board has prohibited the following conduct or acts on school property, either singly or in concert with others:

1. willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
2. intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
3. physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain;

4. intentionally damage or destroy school district property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson, or remove or use such property without authorization;
5. without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
6. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized uses by others;
7. without authorization, remain in any building or facility after it is normally closed;
8. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
9. obstruct the free movement of persons and vehicles in any place to which these rules apply;
10. violate the traffic laws, parking regulations or other restrictions on vehicles;
11. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
12. knowingly have in his/her possession upon any premises to which these rules apply any rifle, shotgun, pistol, revolver, or other firearm or weapon except in the case of law enforcement officers or except as specifically authorized by the school district;
13. possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function;
14. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;
15. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
16. the distribution or posting of any written material, pamphlets or posters without the prior approval of the Superintendent of Schools or his/her designee.

In addition to appropriate disciplinary rules and procedures, school officials shall, where warranted, contact appropriate law enforcement officials when any prohibited conduct is a violation of criminal laws.

**Code of Conduct Revision Date:**

Revised: September 8, 2014

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