



CITY SCHOOL DISTRICT OF ALBANY

CODE OF CONDUCT

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CODE OF CONDUCT

I. Introduction

The Board of Education of the City School District of the City of Albany (“Board” or “District”) believes that order and discipline are essential to an effective public education. It also believes that everyone in the school community must play an active role in contribution to an orderly environment. Further, that an orderly school environment requires a code of discipline that clearly defines individual responsibilities, categorizes and specifies unacceptable behavior and provides for appropriate disciplinary measures, options and responses. Finally, it is the District’s belief that in order to be effective, such a code must: (1) Be positive and preventative in nature; (2) Promote self discipline; (3) Concern itself with the welfare of the individual as well as that of the school community as a whole; (4) Promote a close working relationship between parents and the school District staff; (5) Distinguish between minor and serious offenses as well as between first time and repeat offenders; (6) Provide disciplinary responses that are fair and appropriate to the misbehavior; (7) Be administered by all in a way that is fair, firm, reasonable and consistent; (8) Encourage a high regard for every person’s right to reasonable due process procedures when accused of misconduct; and (9) Comply with the provisions of Federal, State and Local law as well as with the guidelines and directives of the New York State Board of Regents and the New York State Education Department, including violent and disruptive incident reporting (VADIR) so as to implement provisions of the Safe Schools Against Violence (S.A.V.E) Act.

Unless otherwise indicated this Code of Conduct (“Code”) applies to all students, school personnel, parents and other visitors when on school property or attending school functions.

II. Definitions

For purposes of this Code, the following definitions apply.

1. “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.
2. “Parent” means parent, guardian or person in parental relation to a student.
3. “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.
4. “School function” means any school-sponsored extra-curricular event or activity.
5. “Violent student” means a student under the age of 21 who:
 - a. Commits an act of violence upon a school employee, or attempts to do so.
 - b. 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.
 - c. Possesses, while on school property or at a school function, a weapon.
 - d. Displays, while on school property or at a school function, what appears to be a weapon.
 - e. Threatens, while on school property or at a school function, to use a weapon.
 - f. 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.
 - g. Knowingly and intentionally damages or destroys school District property.
 - h. Or as otherwise defined under Education Law §3214. Available at www.nysed.gov.

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

III. Student Rights and Responsibilities

1. Students have the right to pursue an education in a safe environment that is conducive to learning. They have the responsibility to conduct themselves with respect toward fellow students, teachers, administrators and self.
2. Students have the right to freedom of speech and expression. The expression of opinions however shall not interfere with the freedom of others to express themselves or interfere with a safe and orderly educational environment.
3. Students have the right to participate in school activities free from any form of discrimination which may include race, color, religion, national origin, gender, sexual orientation, handicapping conditions or economic status. Students may not be denied participation in any activity for any reason other than those established by State or school eligibility requirements and those requirements related to the purpose of the activity. Students have the responsibility of demonstrating good sportsmanship at all times.
4. Students have the right to procedural due process guaranteed by the Constitutions of the United States and the State of New York and the New York State Education Law prior to disciplinary action being taken against them. Every student has the right to be informed of all the rules of the school which pertain to student conduct. Before any punishment is given, the student will be apprised of the specific rule or regulation which has been violated. Students shall have the opportunity to refute any allegations presented against them. Students shall accept the responsibility for their own actions.
5. Students have the right to enroll in a particular course of study which best meets their needs. They have the responsibility to maintain as high a scholastic average as possible and to ensure that all work is their own work and all sources are properly cited.
6. Students have the right to be respected on the basis of their individual attributes and to assume the responsibilities of meeting classroom obligations to teachers and fellow students. Students are responsible for following directions of faculty and administrators and of respecting school property and the property of others.
7. Students have the right to dress in a manner that is not distracting or otherwise disruptive of the educational process, and does not endanger the health and safety of the student or other students. See Section VI for the District’s Student Dress Code.
8. Students have the right to be educated in a safe, clean and healthy environment. They have the responsibility to help maintain order, to pick up after themselves, to obey all rules and regulations regarding order and discipline.
9. Students have the right to the use of school books and materials necessary for the furtherance of their education. They have the responsibility to take proper care of books and materials, sign out books as required, to return borrowed books and materials to the school when due and in good condition and bring all appropriate materials for receiving instruction and completing assignments to class as required.

10. Students have the right to be represented by an active student government selected by free school elections. They have the responsibility to take an active part in student government by running for office or conscientiously voting for the best candidates and making concerns and problems known to their elected representatives.
11. Students have the right to be afforded channels of communication to the Board of Education. They have the responsibility to express their views concerning the operation of the school system with supporting rationale.
12. Students have the right to be afforded the opportunity to develop school publications such as school newspapers. They have the responsibility to refrain from libel and obscenity and to observe the normal rules for responsible journalism.
13. Students have the right to have access to relevant and objective information concerning drug and alcohol abuse as well as access to individuals or agencies capable of providing direct assistance to those students with severe personal problems. Students have the responsibility to be aware of the information and services available and to seek assistance in dealing with personal problems when appropriate.
14. Students have the right to have his/her student records available for inspection by his/her parents or legal guardian upon request, or by the student himself/herself if 18 years of age or older. Students have the responsibility to be aware of the right to access and guidelines governing such access.
15. Students have the right to be free from unreasonable intrusion upon themselves or their property by school personnel and/or police agencies. Students have the responsibility to cooperate with a reasonable legal search and to be aware of actions which constitute serious and dangerous wrongdoing and to refrain from such acts (possession of controlled substances, weapons, dangerous materials, etc.) which may result in the necessity for such a search. See Section XIII regarding student searches, locker searches and student interrogations.
16. Students have the right of access to computer technology. Students have the responsibility to use computer technology responsibly and only for school related projects.

IV. Additional Rights of Students

A. Student Records

The school District collects and maintains student records to report the growth and development of individual students, to provide information to parents and authorized staff and to establish a basis for the evaluation and improvement of school programs.

Student record information contained in the cumulative record, also known as a permanent record, includes records of subjects and grades, credits, awards, promotions, standardized test information, school attendance records, health data and other information that serves the educational interest of the student.

According to the “**Family Education Rights and Privacy Act**”, the following people under the following circumstances may have access to student records without the need for written release.

1. All school personnel who have a legitimate educational interest in the student;
2. Parents or legal guardians upon written request. All rights of access, review, release of records to parents/guardians are relinquished to the student when the student has reached 18 years of age;
3. Officials of other schools or school Districts in which the student enrolls;
4. Authorized representatives of the United States Government for the purpose of auditing federal projects;

5. Persons who need student information in connection with student's application for or receipt of financial aid;
6. Organizations or individuals approved by the Superintendent of Schools or his/her designated representative for the purpose of conducting educational studies;
7. New York State Education Department and Middle States' Accrediting Organization in order to carry out accrediting function;
8. Persons who present court orders and subpoenas requesting access to records.

Requests for student information shall not be released to other third parties without the written authorization from the parent/guardian or the student if he/she is 18 years of age or older.

A person who has the right to access also has the right to copy records or receive copies of the record at his/her expense.

Parents or legal guardians shall have the right to see their child's records and request deletion of inaccurate, misleading or inappropriate data. If agreement between the parent and school cannot be reached concerning expunging of material from a student's record, the parent may request a hearing before a disinterested third party. In each case, the hearing officer will be a certified person designated by the Superintendent of Schools.

B. Release of Directory Information

Directory information relating to a student includes the following: student's name, address and telephone listing.

Directory information may be disclosed without the written consent of a parent, person in parental relation or student 18 years or older unless the District is notified, in writing, that such directory information is not to be released. A form indicating that directory information is not to be released must be completed by the parent, person in parental relation, or eligible student and returned to the child's principal or guidance counselor.

The District's policy regarding the release of high school student directory information applies equally to military recruiters, the media, post-secondary educational institutions and prospective employers. The District's policy regarding the release of student directory information to the media applies to all students.

The District will not release such directory information to military recruiters if a parent, person in parental relation, or student 18 years or older has submitted a request to the District that the student's information not be released for such purpose without prior written consent. An application to deny release of student directory information by parent, person in parental relation or eligible student is available from each school's principal and must be submitted by September 15 of each school year.

C. Title IX

In 1972 Congress passed a law which prohibits discrimination because of sex in federally funded education programs. This amendment is known as "Title IX". This regulation covers all aspects of sex discrimination in schools with regard to admissions, treatment of students and employment. Any educational program or activity receiving federal funds is covered by Title IX regulations with certain specific exemptions. The District's policy and procedures regarding sexual harassment and Title IX are available upon request.

Title IX states that discrimination is prohibited with regard to access to, and participation in, courses and extracurricular activities including clubs and competitive athletics. The regulations further provide that no course may be required on the basis of sex. This means that no course may be offered to only one sex. In addition, preference in admission to courses may not be made on the basis of sex, nor may courses be described as being more appropriate for one sex or the other. The one exception is that separate sessions of otherwise co-educational classes may be allowed when the materials and discussion deal exclusively with the subject of human sexuality.

Schools may not offer separate sections for physical education. The regulations, however, do include the following qualifications to that rule:

1. Within classes, students may be separated by sex for contact sports such as wrestling, boxing, basketball or football.
2. Within classes, students may also be grouped by ability, even if such groupings result in single sex or primarily single sex groups. Sex may not, however, be the sole criteria for such groupings.

In the instance where a single evaluation standard, such as requiring all students to do pushups to get a passing grade, has an adverse impact on one sex, schools may use a different evaluation standard or standards in physical education.

In the area of intra- and inter-mural and extra- curricular athletics, the regulations do not require single co-educational teams for all sports. Where selection is based on competitive skill or the activity involved is a contact sport, athletics may be provided either through separate teams for each sex or through a single team open to both sexes. If separate teams are offered, a school may not discriminate on the basis of sex in providing necessary equipment or supplies, or in any other way.

In the areas of vocational education, vocational schools may not assist a discriminatory employer by referral of students or in any other manner.

D. Confidentiality of Communication

The law of this state has traditionally recognized the concept of privileged information between a physician and a patient, between a lawyer and a client, between a social worker and a client, between a member of the clergy and a parishioner, etc. As a general rule, information received by teachers, guidance counselors and other school officials is not privileged and may be revealed by the recipient of such knowledge whenever that person feels it appropriate to do so.

E. Student's Inquiry and Expression

The District affords the opportunity to students and the school community for freedom of inquiry and expression. The expression by students of their attitudes, opinions and ideas is vital to education in a democratic society. The First Amendment to the United States Constitution guarantees the right of freedom of speech to all Americans, including students. However, this constitutional guarantee does not include license to interfere with the orderly conduct of classes, to force others to participate in particular forms of expression, or to violate the rights of those who disagree with a given point of view.

Student's speech may be subject to disciplinary action by school officials if such speech is: a) slanderous, i.e. spoken maliciously or without regard to truth of the assertion; b) clearly and immediately incites others to damage property or physically harm others; or c) materially and substantially interferes with the normal operation of the school including the use of obscene or profane language.

School authorities may regulate the time, manner, place and duration for distribution of literature on school grounds. The courts have rules that schools may regulate the content of literature to be distributed on school grounds only to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school.

The District may also establish procedures for submission of written materials intended to be distributed for prior approval.

F. School Newspapers

Official school publications, such as a school newspaper, should reflect the policy and judgment of the student editors. Students have the responsibility to refrain from libel and obscenity and to observe normal rules for responsible journalism and to refrain from publication of materials, which would be disruptive to the educational process. Within these bounds, student papers are as free as other newspapers to report the news and to editorialize.

G. School Safety

It is the policy of the Board of Education that students are prohibited from wearing overcoats or masks of any kind inside a school building at any time. Students are required to secure their coats in their lockers upon arrival at school or at some other designated location. The purpose of this policy is to foster a safe educational environment for staff and students by limiting the opportunity for weapons or other dangerous instruments from being secretly brought into school and limiting the opportunity for individuals to commit acts of misconduct while disguised. For this reason, clothing that can mask or hide a student's identity is not allowed. See Section IV. Student Dress Code.

H. Items Requiring Permission

The following items may be brought to school only with teacher permission: tape recorders, tape players, record players, radios, toys, pets or any expensive item. Any such item brought to school without permission shall be confiscated and retained by the teacher or appropriate administrator and returned to the student at dismissal time or to the parent.

V. Essential Partners

A. Role of the Parent/Guardian

To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the responsibility of parent/guardian to: 1) send their child to school as required by New York State Law; 2) insist on prompt and regular attendance; 3) make certain all absences are properly excused; 4) provide for their child's health, acceptable grooming and suitable dress; 5) develop socially acceptable standards of behavior, to exercise self control and to be accountable for his/her actions; 6) teach their child respect for the law and for the authority of the school and for the rights and property of others; 7) know and understand the rules their child is expected to observe at school; be aware of the consequences for any violation of these rules and accept legal responsibility for their child's action; 8) instill in their child a desire to learn; 9) Provide a place conducive for study and ensure the completion of homework assignments; 10) exemplify an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, staff, curriculum and activities and by attending parent/teacher conferences and school functions; 11) assume the ultimate responsibility for changing and for addressing unacceptable school behavior for their child under the age of eighteen; keeping the District notified when there is a change of address or contact number.

B. Role of Teachers and Staff

In recognition of their charge to educate all of the children of our community with the acceptance and expectation that each child can learn, it shall be the responsibility of the teachers and staff to: 1) reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student; 2) guide learning activities so students learn to think and reason, assume responsibility for their actions and respect for the rights of others; 3) participate in the establishment of school rules and regulations regarding student behavior, explain these rules to students and require observance of them; 4) enable students to discuss their problems by listening to students, remaining open minded, and consulting student recommendations in the decision making process; 5) be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on school campus and at all school sponsored activities 6) give positive reinforcement for acceptable behavior; 7) demonstrate, by work and personal example respect for law, order and self discipline; 8) refer to a counselor or administrator any student whose behavior requires special attention; 9) seek to develop close cooperative relationships with parents/guardians for the educational benefit of the student by keeping open communication with parents/guardians and by sending communications home promptly.

C. Role of Pupil Personnel Staff

1) Assist students in coping with peer pressure and emerging personal, social and emotional problems; 2) initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems; 3) regularly review with students their educational progress and career plans; 4) provide information to assist students with career planning; 5) encourage students to benefit from the curriculum and extracurricular programs.

D. Role of Building Principals and Supervisory Personnel

As the educational leaders of the school, the principal, in concert with all other building administrators and supervisory personnel shall set the disciplinary climate for the school, not only for students but for staff as well. It shall be their responsibility to: 1) seek to develop a sound and helpful atmosphere of mutual respect within the school; 2) evaluate the program of instruction in their school to achieve a meaningful educational program; 3) help their staff self evaluate their own procedures and attitudes in relation to the interactions within their classrooms; 4) develop procedures which reduce the likelihood of student misconduct; 5) provide the opportunity for students and staff to approach the principal or other appropriate administrators directly for redress of grievances; 6) work with students and staff to formulate school regulations; 7) assist staff members to resolve any school related problems which may occur; 8) work closely with parents to establish a wholesome relationship between home and school; 9) utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions; 10) establish necessary building security; 11) assume responsibility for the distribution of the code of student discipline and ensure that all discipline cases referred are resolved justly and promptly; 12) ensure fairness, reasonableness and consistency; 13) comply with pertinent State laws governing hearings, suspensions and student rights; 14) demonstrate desirable standards of behavior through personal example.

E. Role of the Superintendent and District Administration

As the Chief Executive Officer and the central administrators of the school District and the educational system, it shall be the responsibility of the Superintendent, the Assistant Superintendent for Business Affairs and the Assistant Superintendent for Instruction to: 1) take such steps as are necessary to develop, publicize and carry out the rules and regulations for students; 2) work with building principals, supervisory personnel, law enforcement officials and other agencies to make certain that the rules and responsibilities of each are understood and make plans for cooperative working arrangements; 3) consider and act upon recommendations for suspensions in keeping with the Board of Education policy; 4) review with the principals and other supervisory personnel, the policies of the Board of Education and State Laws relating to discipline; 5) listen and react to the views of the total community; 6) inform the Board of Education of educational trends relating to discipline; 7) provide for the development of innovative educational programs which will help to minimize problems of misconduct; 8) making himself/herself available to administrators, teachers and other staff, advise them on serious discipline matters and support them so long as the latter has acted in accordance with the discipline policies of the School District and the laws of the State of New York; 9) be well informed on the programs and the problems of the School District and work with staff in offering leadership.

F. Role of the Board of Education

A primary task of the Board of Education is to establish District policy. It shall be the responsibility of the Board of Education to: 1) adopt and support a clearly defined discipline policy for the School District; 2) provide adequate numbers and kinds of personnel and sufficient building space and appropriate and adequate educational materials so that conditions within the School District are conducive to a positive learning environment; 3) listen and react to the views of the community; 4) ensure that qualified personnel are employed who are understanding, sensitive and genuinely interested in young people; 5) annually review the District's policy regarding discipline and student conduct.

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

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

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

VI. Student Dress Code

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not acceptable.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed. This includes "heelies".
5. Not include the wearing of hats or head coverings in the school building except for a medical or religious purpose. Clothing that can mask a student's identity (overcoats, masks, oversized hooded sweatshirts) is not allowed.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not include gang-related paraphernalia of any kind. This restriction includes R.I.P. commemorative shirts.
8. Not promote or endorse the use of alcohol, tobacco or illegal drugs.
9. Not encourage any type of illegal or violent activity.

Standardized acceptable clothing for high school and middle school students includes:

- a. Skirts/shorts no shorter than 4" above the knee
- b. Straps need to be at least 1" wide
- c. No exposed midriff
- d. No A-frame tee-shirts (muscle shirts/tanks)
- e. All t-shirts must hang no lower than 1' above the knee
- f. ID badges are to be worn and displayed on the outer garment in schools where badges are required

If a middle school and high school student's clothing violates the student dress code, that student shall be required to modify his or her appearance by either covering or removing the offending item or replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to, and including, out of school suspension.

If a grade school student's clothing violates the student dress code, the school shall make a good faith effort to contact the student's parent or guardian to request that the student modify his or her appearance during school attendance. If a grade school student's clothing repeatedly violates the student dress code, even after the school has contacted the parent or guardian, that student shall be required to modify his or her appearance by either covering or removing the offending item or replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to, and including, out of school suspension.

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.

VII. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below, and in Appendix "A", are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in any willful act which disrupts the normal operation of the school community.
 - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
 - 8. Use of cell phone, Blackberry, personal cameras, IPODS and other electronic communication devices during the course of the school day, from the beginning of the school day to dismissal. This includes lunch, recess and study hall periods. These devices must be turned off during the course of the regular school day as defined above. If visible or in use, these devices will be subject to confiscation.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - 2. Lateness for, missing or leaving school without permission.
 - 3. Skipping detention.

- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

- D. Engage in conduct that is violent. Examples of violent conduct include:
 - 1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 - 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 - 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 - 4. Displaying what appears to be a weapon.

5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school District property.

NOTE: In accordance with the Gun-Free Act, a student in possession of a firearm is subject to a minimum of a one-year suspension.

- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
 5. Verbal or physical harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. This includes sexual harassment as defined in the District's Sexual Harassment Policy #9100.
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 8. Selling, using or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
 12. Inappropriately using, selling, distributing, exchanging or sharing prescription drugs and over-the-counter medicines.
 13. Gambling.
 14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 15. Initiating a report warning of fire, a bomb threat or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 16. Committing other infractions included in the SED VADIR glossary or violent disruptive behavior such as arson, assault, homicide or sex offenses.
 17. Inappropriate physical contact of a sexual nature.
 18. The use of spray paint for other than instructional purposes.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.

VIII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his 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, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

IX. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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

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

A. Penalties

Students who are found to have violated the District’s code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student’s right to due process. See Appendix “A” for further examples.

1. Oral warning – any member of the District staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – director of transportation, principal, superintendent
6. Suspension from athletic participation – coaches, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. Reduction in grade or grade of zero for cheating or plagiarism.
10. In-school suspension – principal, superintendent
11. Removal from classroom by teacher – teachers, principal
12. Referral to a Pre-Superintendent Hearing Conference - teachers, principal, superintendent
13. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
14. Long-term (more than five days) suspension from school – superintendent, Board of Education
15. Permanent suspension from school – superintendent, Board of Education.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. 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.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal’s attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student’s parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student’s education consistent with any applicable legal requirements.

A student subjected to a suspension from transportation is not entitled to a hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal’s designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges 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 suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. Prior to removing a student for being substantially disruptive, it is expected that the teacher will have previously submitted a minimum of three misconduct referrals within that school year.

A classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only.

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

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

Within 24-hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why.

The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed in which case the removal becomes a suspension subject to the procedures set forth below.

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214, the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner, with any such appeal being commenced within 30 days of the Board’s decision.

b. Long-term (more than 5 days) suspension from school

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing pursuant to Education Law §3214. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. A Pre-Superintendent Hearing Conference can be conducted to resolve the matter by mutual agreement, rather than through the Superintendent’s Hearing (see section C.4, page 17).

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required, although one may be used. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent must be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Only final decisions of the Board may be appealed to the Commissioner, with any such appeal being commenced within 30 days of the Board's decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds

the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

4. Students may be referred to the Office of Pupil Personnel Services for a Pre-Superintendent Hearing Conference for Code violations including acts of violence and serious misconduct on school grounds, at school functions and in the safe corridor for student passage to and from school. Such misconduct includes, but is not limited to:

- a. possession and/or use of a weapon, weapon look-alike or dangerous instrument
- b. any unprovoked attack on another person which causes substantial pain or injury or results in a criminal charge
- c. initiating a bomb threat, triggering a false fire alarm and or making a threat against a school building and its occupants
- d. any incident of sale or possession of a controlled substance or alcohol
- e. arson
- f. possession or use of explosives, including firecrackers
- g. damage to another person's property or District property
- h. theft of another person's property or District property
- i. a history of repeated, serious Code violations
- j. a serious threat or harassment of another person

Pre-Superintendent Hearing Conference referrals may result in student placement in an alternative educational setting by mutual agreement with the student's parent(s) or additional disciplinary action. A Pre-Superintendent Hearing Conference can be conducted to resolve the matter by mutual agreement, rather than through the Superintendent's Hearing

D. Referrals

1. Counseling

The School Social Worker or Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

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

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or

- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

X. 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 consistent with applicable law.

XI. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever a suspension involves a change of placement.

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

A. Authorized Suspensions or Removals of Students with Disabilities

- 1. For purposes of this section of the code of conduct, the following definitions apply.
 - a. A “suspension” means a suspension pursuant to Education Law §3214.
 - b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES).
 - c. An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
 - d. “Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
 - e. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - f. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

2. Suspensions of students with disabilities up to 10 days in the course of a school year.

Subject to section 3 below, school personnel may order the suspension or removal of students with a disability from their current educational placement as follows:

- a. The Building Principal may direct the placement of a student with a disability to an IAES, another setting or suspension for a period not to exceed five consecutive school days to the same extent as applicable to non-disabled students. Upon any suspension and/or request for a superintendent's hearing regarding a student with disabilities, the Principal shall immediately notify the CSE chairperson and forward immediately a copy of the notice sent to the parents as required by Education Law §3214.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for an additional period not to exceed a total of 10 school days to the same extent as applicable to non-disabled students.

3. Suspensions of students with disabilities over 10 days in the course of a school year

No student with disabilities shall be suspended for more than 10 school days over the course of a school year without provisions for the continuation of free appropriate public education ("FAPE").

- a. Prior to any suspension by the Building Principal over ten school days in the course of a school year, the Principal shall, in consultation with the Special Education Teacher and the Special Education Director or his/her designee, determine whether the imposition of further suspension constitutes a change in placement. To determine whether any cumulative suspension for more than ten days constitutes a pattern of suspension which constitutes a change of placement, the principal in consultation with the Special Education Director or his/her designee, shall consider, at a minimum:
 1. the length of each suspension or removal,
 2. the total amount of time the student is removed,
 3. the proximity of the suspensions or removals to one another, and
- b. Except in cases involving weapons or drugs as defined herein, if the Principal determines that a proposed additional suspension over ten school days constitutes a change in placement, the Principal shall not impose any further suspension until the CSE has convened to determine whether the student's behavior is related to the student's disability.
- c. If the Principal, after consultation with the Director of Special Education, determines that the proposed suspension does not constitute a change in placement, the Principal shall, in consultation with the Special Education teacher and Special Education Director or his/her designee, ensure the provision of a FAPE for the duration of any suspension imposed over the course of the school year.
- d. In the event the Principal in consultation with the Director of Special Education determines that the proposed suspension does not constitute a change in placement, and the principal seeks to impose, within the course of the school year, additional short terms suspensions, the principal in consultation with the Director of Special Education shall review such proposed suspensions to determine whether it constitutes a change of placement as defined in paragraph (a).

4. Suspensions or removals that constitute a change of placement

The Superintendent may order additional removals of more than 10 consecutive school days in the same school year for separate incidents of misconduct, in accordance with the following procedures.

- a. In cases involving weapons or drugs as defined herein, the Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 calendar days, upon a finding that the student possessed a weapon in school or at a school function or knowingly possessed an illegal drug or controlled substance as defined above, or was otherwise involved in its sale or solicitation.
- b. If the Superintendent concludes upon a finding of guilt that maintaining the student in his or her current educational placement is dangerous, the Superintendent shall refer the matter to the committee on special education to determine whether any additional steps can be reasonably taken to minimize the potential for harm and to conduct a manifestation determination. If the committee is unable to identify any additional supports or services to eliminate the danger, and the committee is unable to reach a mutually agreeable alternative plan to continue the provision of FAPE in another location, the Director of the Special Education, shall, after consultation with the Superintendent, initiate an expedited hearing as defined in Commissioner's regulations or petition a court to seek permission to invoke a unilateral removal of the student to address the risk of harm that the student's continued attendance in his or her present educational placement would present to the student or to others.

In the event the 45 day IAES placement is expiring and the student is still considered dangerous, and the parent and District have not reached a mutually agreeable alternative placement, the Director of Special Education, upon consultation with the Superintendent, may initiate another expedited impartial hearing or seek an order from the court to obtain an order to extend the student's IAES placement to the extent deemed necessary to provide a safe school environment.

5. Rules regarding the suspension or removal of students with disabilities involving a change of placement

- a. Upon referral of a student to the CSE of a student with a disability facing a disciplinary change of place, the District's Committee on Special Education shall immediately contact the parent by phone, to the extent possible and upon written notice shall schedule an expedited meeting of the CSE to review the following:
 - i. To conduct a manifestation determination in accordance with 8 NYCRR 201.
 1. Except as provided in paragraph 4(a)(1), unless the parent and District agree otherwise, if the committee determines that the student's behavior is related to the student's disability, the student shall be returned immediately to his/her current educational placement and no further suspension shall be imposed except upon the order of a hearing officer or the court.
 2. If the committee determines that the student's behavior leading to the student's suspension is not related to his/disability, the committee shall arrange for an interim provision of FAPE during the period of any further suspension imposed by the Principal or the Superintendent and

the student shall be referred back to the Superintendent, where applicable, for disposition. Prior to ordering further suspension, the Superintendent shall review the student's special education and disciplinary file.

- (1) In addition to a 45 day removal of a student with a disability to an IAES pursuant to (4) (a) as set forth above, the Superintendent may invoke an additional suspension upon a student with a disability who possesses or carries to school or to a school function a weapon or who knowingly possesses, sells or solicits an illegal drug or controlled substance as defined herein, from his current educational placement to the same extent as a non-disabled student for the same offense where the committee on special education determines that the student's behavior is not related to the disability.
 - b. Notwithstanding any provision to the contrary, where the committee finds deficiencies in the IEP, the CSE shall recommend a change in program, and where the committee determines that the placement of the student is not appropriate, the District shall work with the parent to conduct further evaluation to the extent deemed necessary and to recommend and implement a change of placement, as soon as possible.
 - c. To arrange or review, as applicable, a functional behavioral assessment and a behavioral intervention plan.
 - d. If a student with a disability has a behavior intervention plan and has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subject to another suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall be required to review the behavioral intervention plan and its implementation to determine if modifications are necessary if requested by of its members.
6. Placement of students during expedited hearings challenging a removal or disciplinary change of placement of a student with a disability
- Except as provided in paragraph 4(a) or upon the placement of a student in an IAES pursuant to an order of a hearing officer or a court, such student shall return to the students' current educational placement pending the proceeding, unless the parent and District agree otherwise.
7. Students presumed to be disabled
- a. Upon the request of a parent, or school personnel, the Principal in consultation with the Director of Special Education shall determine whether such student is a child presumed to have a disability as defined under 8 NYCRR 201.5. If the principal in consultation with the Director of Special Education concludes that such student is presumed to be disabled, such student shall be afforded the same protections as a student with a disability and receive an expedited evaluation, upon receipt of parental consent, to determine whether the student is a child with a disability.
 - b. If the principal determines that a student subject to a suspension is not a student presumed to have a disability as defined herein the student shall be subject to the same disciplinary measures as a non-disabled student who engaged in comparable behaviors.

XIII. Student Searches and Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District code of conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District code of conduct.

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. The Board of Education has also authorized District Administrators and staff to engage in searches of students using magnetometers and metal detectors.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit and produce the physical evidence for which the search is intended, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. See District Random Search Policy #5300.56. (Policy is available on the District website. albanyschools.org)

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places or any other locations or areas owned by and under the control of the District. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, other school storage places or any other locations or areas owned by and under the control of the District may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student and consistent with any exigent circumstances that may exist, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted unless exigent circumstances require it. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

D. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the Pupil Personnel Office. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school District official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIV. Visitors to the Schools

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

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

XV. Public Conduct on School Property

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. 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.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. 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.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. 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.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal and possible prosecution for criminal trespass.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a, §3031 or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

XVI. Dissemination and Review

A. Dissemination of Code of Conduct

The District will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

The District will sponsor an in-service education program for all District staff members to ensure the effective implementation of the code of conduct at the beginning of each school year. The superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

XVII. Miscellaneous Provisions

A. Repealer Clause

This document repeals all documents or portions thereof with which it may be in conflict and is intended to supercede all prior discipline codes for students.

B. Document Saving Clause

Any section of this document found by the Commissioner of Education to be contrary to law shall be stricken without effect to the remainder. No portion of this document shall be in conflict with the Education Law of the State of New York or any other statute or law or collective bargaining agreement.

XVIII. Notice of Non-Discrimination

Applicants for admission and employment, students, parents, employers, source of referral of applicants for admission and employment, and all union or professional organizations holding collective bargaining or professional agreements with the City School District of the City of Albany are hereby notified that this District does not discriminate on the basis or race, color, national origin, sex, age, handicap in admission or access to, treatment or employment in its programs and activities. Any person having inquiries concerning the City School District of Albany's compliance with the regulations implementing Title VI and Title IX is directed to contact:

Assistant Superintendent for Human Resources
City School District of Albany
Academy Park
Albany, NY 12207
(518) 475-6055

who has designated by the City School District of Albany to coordinate the District's efforts to comply with the regulations implementing Title VI and Title IX.

Any person having inquiries concerning the City School District of Albany to coordinate the District's efforts to comply with implementing the Americans With Disabilities Act (ADA) or Section 504 is directed to contact:

Director of Special Education
Section 504 Compliance Coordinator
James Hall Sunshine Building
Lincoln Park
Albany, NY 12202
(518) 463-7217

who has been designated by the City School District if Albany to coordinate the District's efforts to comply with the regulations implementing the ADA and Section 504.

APPENDIX “A”

Illustrative Examples of Disciplinary Measures for Violation of Code of Conduct:

The following examples of consequences for violating the Code of Conduct are offered as a general guide to the community. It must be understood, however, that the consequences of a particular act of misconduct by a student will depend upon the particular circumstances of the incident involved and the disciplinary history of the particular student involved.

Accordingly, after full consideration of all relevant circumstances, the District may impose discipline less than or greater than indicated in the guide below. NYSED VADIR incident reporting categorizes violations that could result in suspension, alternative educational or treatment programs, teacher removal (Section 3214) or law enforcement are indicated by a “√” after the prohibited conduct description.

A. Elementary Schools

<u>Prohibited conduct or behavior:</u>	<u>Type and range of disciplinary action allowed:</u>
1. Truancy and illegal tardiness.	1. Principal/teacher reprimand; parent/guardian notification; detention; Pre-Superintendent Conference; Family Court referral (PINS petition).
2. Class cuts, class tardiness.	2. Principal/teacher reprimand; parent/guardian notification; detention; Pre-Superintendent Conference.
3. Leaving school early or leaving school grounds without permission, forging notes from parent/guardian; loitering.	3. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
4. Walking out of class; disruption of class. “√”	4. Principal/teacher reprimand; parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
5. Bullying, rough housing, striking or fighting with anyone: pupils, teachers or staff in school, on school grounds, on school buses or at school functions. “√”	5. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference; Family Court referral.
6. Threatening others verbally or physically, including extortion. “√”	6. Principal/teacher reprimand; parent/guardian notification; suspension; Pre-Superintendent Conference.
7. Possessing, using, distributing or selling any type of drugs, alcohol or tobacco. “√”	7. Suspension; Pre-Superintendent Conference; Family Court referral.
8. Possession of a weapon, dangerous instrument or device, explosive, firework or noxious substance or material. “√”	8. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference; Family Court referral.
9. Causing a false alarm or bomb threat. “√”	9. Suspension; Pre-Superintendent Conference; Family Court referral.
10. Throwing snowballs, stones or other hard objects or missiles; dropping or throwing of objects out of upper floors of buildings. “√”	10. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
11. Acting in a manner that is disruptive to teaching and/or learning. “√”	11. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
12. Insubordination.	12. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.

13. Inattention.	13. Teacher reprimand.
14. Destruction of public or private property; vandalism. “√”	14. Parent/guardian notification; payment and/or replacement of property; detention; suspension; Pre-Superintendent Conference.
15. Profanity or verbal abuse. “√”	15. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
16. Cheating on exams or quizzes.	16. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
17. Throwing food, littering, leaving trash on lunch tables.	17. Principal/supervisor/teacher reprimand; parent/guardian notification; detention; Pre-Superintendent Conference.
18. Destruction of books and/or workbooks. “√”	18. Parent/guardian notification; detention; payment and/or replacement of property; Pre-Superintendent Conference.
19. Theft of public or private property. (over \$100) “√”	19. Parent/guardian notification; detention; suspension; Pre-Superintendent Conference; Family Court referral; payment and/or replacement of property.
20. Smoking on school District property.	20. Parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
21. Indecent exposure; sexual misconduct. “√”	21. Parent/guardian notification; detention; suspension; Pre-Superintendent Conference; Family Court referral.
22. Wearing of inappropriate, insufficient or disruptive clothing or attire.	22. Parent/guardian notification; removal from class until proper clothing is supplied.
23. In school possession of radios, walkmans, beepers or other electronic equipment not presently being used for class purposes.	23. Parent/guardian notification, detention, in-school suspension, parental retrieval of equipment, suspension.

B. Middle Schools

Prohibited conduct or behavior:

Type and range of disciplinary action allowed:

1. Truancy and illegal tardiness to school and assigned classes.	1. Parent/guardian notification; detention; in-school suspension; Family Court referral.
2. Class cuts, class tardiness.	2. Parent/guardian notification; detention; Pre-Superintendent Conference.
3. Leaving school early or leaving school grounds without permission; forging instruments; loitering.	3. Parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
4. Using forged in-school passes.	4. In-school suspension; suspension.
5. Disruption of teaching and/or learning; interference with in-school traffic or procedures. “√”	5. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
6. Bullying, rough housing, striking or fighting with anyone: pupils, teachers or staff in school, on school grounds, on school buses or at school functions; threatening others verbally or physically, including extortion. “√”	6. Parent/guardian notification; in-school suspension; suspension; Pre-Superintendent Conference; Family Court or Criminal Court referral.
7. Possessing, using, distributing or selling any type of drugs, alcohol or tobacco, being unable to function because of substance abuse or being under the influence of such substances. “√”	7. Parent/guardian notification; suspension; Pre-Superintendent Conference; Police, Family Court or Criminal Court referral.

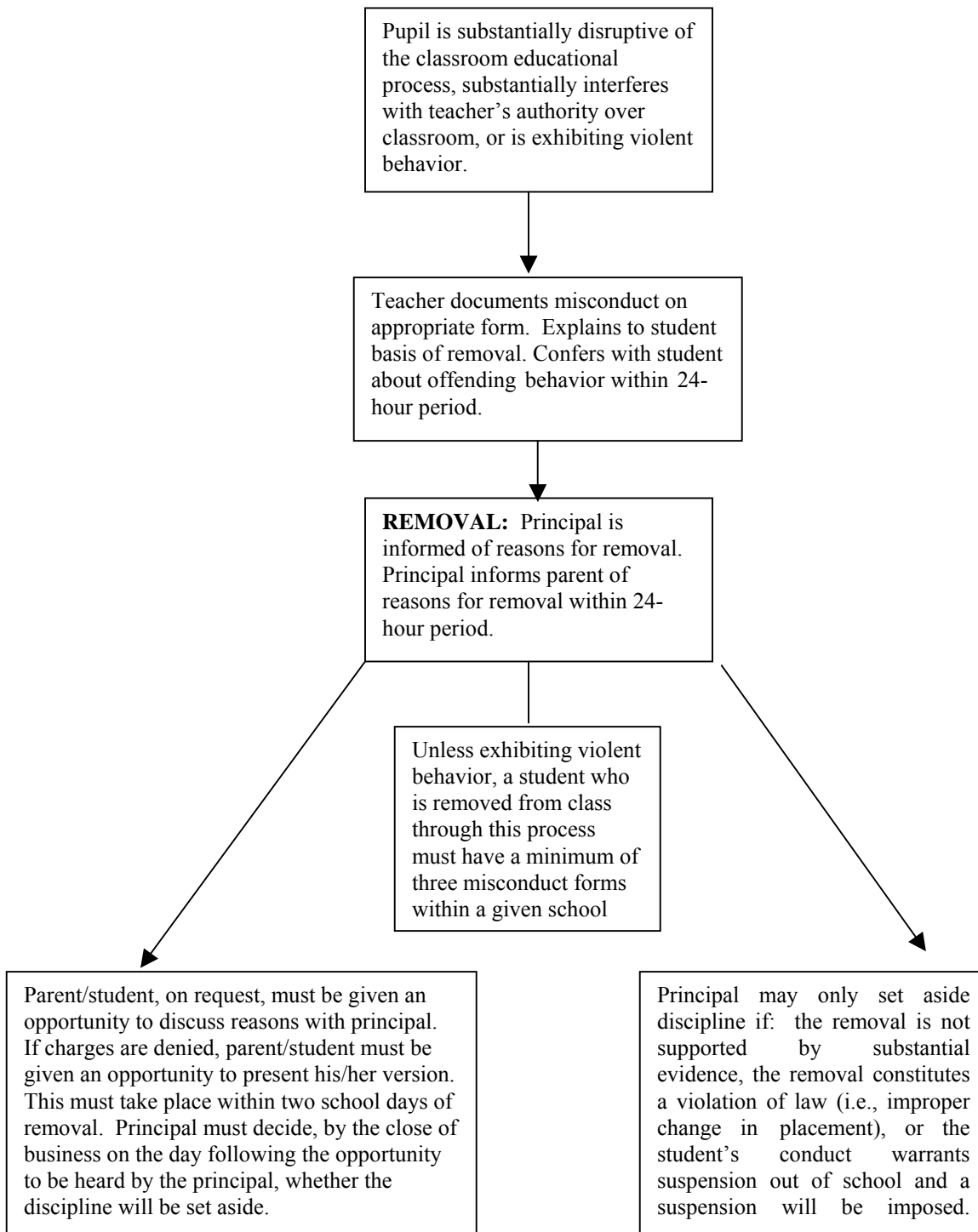
8. Causing a false alarm or bomb threat. “√”	8. Pre-Superintendent Conference; Police, Family Court or Criminal Court referral.
9. Possession of a weapon, dangerous instrument or object or threatening anyone with an object which may cause harm. “√”	9. Parent/guardian notification; suspension; Pre-Superintendent Conference; Police, Family Court or Criminal Court referral.
10. Littering, throwing food or utensils, leaving trash on tables, throwing trash on floor.	10. Verbal reprimand; parent/guardian notification; detention; in-school suspension; clean up area; Pre-Superintendent Conference.
11. Insubordination.	11. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
12. Inattention.	12. Parent/guardian notification; teacher reprimand; guidance.
13. Defacing or damaging school or private property on school grounds; vandalism (over \$100). “√”	13. Parent/guardian notification; in-school suspension; suspension; payment for or replacement of damaged property; Pre-Superintendent Conference.
14. Gambling.	14. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference; Police referral.
15. Cheating on exams or quizzes.	15. Parent/guardian notification; detention; failure of exam or quiz; Pre-Superintendent Conference.
16. Failure to submit a written excuse within 24 hours of return to school.	16. Contact with parent/guardian; detention.
17. Destruction of books or learning materials. “√”	17. Parent/guardian notification; detention; payment and/or replacement of property.
18. Loss of books.	18. Parent/guardian notification; detention; payment and/or replacement of property.
19. Misuse of Library/Media Center books, pamphlets.	19. Parent/guardian notification; suspension; School Court.
20. Theft of public or private property. (over \$100) “√”	20. Parent/guardian notification; detention; suspension; Pre-Superintendent Conference; Police, Family Court or Criminal Court referral; payment for stolen items.
21. Smoking in school buildings or on school grounds.	21. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
22. Mutilation or writing on school District property. “√”	22. Parent/guardian notification; detention; clean up; in-school suspension; suspension; Pre-Superintendent Conference.
23. Leaving food or other perishable items in locker.	23. Verbal warning; detention; clean up locker.
24. Possession of stolen or illegal items or property on school property. “√”	24. Parent/guardian notification; suspension; Pre-Superintendent Conference; Police, Family Court or Criminal Court referral.
25. Throwing snowballs, stones or other hard objects or missiles; dropping or throwing of objects out of upper floors of buildings. “√”	25. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
26. Indecent exposure; sexual misconduct. “√”	26. Parent/guardian notification; in-school suspension; Pre-Superintendent Conference; Police, Family Court or Criminal Court referral.
27. In school possession of radios, walkmans, beepers or other electronic devices not presently used for instruction.	27. Parent/guardian notification; detention; in-school suspension, parental retrieval or equipment, suspension.

C. High School

<u>Prohibited conduct or behavior:</u>	<u>Type and range of disciplinary action allowed:</u>
1. Truancy and illegal tardiness to school and assigned classes.	1. Parent/guardian notification; detention; in-school suspension; Pre-Superintendent Conference; termination of enrollment.
2. Class cuts, class tardiness.	2. Parent/guardian notification; detention; in-school suspension; Pre-Superintendent Conference; termination of enrollment in class and/or school.
3. Leaving school early or leaving school grounds without permission; forging passes or documents; loitering.	3. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
4. Insubordination.	4. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
5. Disruption of teaching and/or learning; interference with in-school procedures. “√”	5. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
6. Rough housing, striking or fighting with anyone: pupils, teachers or staff in school, on school grounds, on school buses or at school functions; threatening others verbally or physically. “√”	6. Parent/guardian notification; in-school suspension; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral.
7. Possessing, using, distributing or selling any types of drugs or alcohol, being unable to function because of substance abuse or being under the influence of such substances. “√”	7. Parent/guardian notification; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral.
8. Causing a false fire alarm or bomb threat; throwing objects that may cause harm to others. “√”	8. Parent/guardian notification; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral.
9. Possession of a weapon, dangerous instrument or object; threatening anyone with an object, which may cause harm to others. “√”	9. Parent/guardian notification; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral.
10. Littering, throwing food or utensils; leaving trash on tables, throwing trash on floor.	10. Verbal reprimand; parent/guardian notification; detention; in-school suspension; Pre-Superintendent Conference.
11. Inattention.	11. Parent/guardian notification; guidance.
12. Defacing or damaging school or private property on school grounds; vandalism (over \$100). “√”	12. Parent/guardian notification; in-school suspension; suspension; payment for or replacement of damaged property; Pre-Superintendent Conference.
13. Gambling.	13. Parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference; Police referral.
14. Cheating on exams or quizzes.	14. Parent/guardian notification; in-school suspension; failure of exam or quiz; Pre-Superintendent Conference.
15. Destruction of books or learning materials. “√”	15. Parent/guardian notification; detention; payment for replacement of materials; Pre-Superintendent Conference.
16. Loss of books or materials.	16. Parent/guardian notification; detention; payment for lost books.

17. Misuse of Library/Media Center books, pamphlets.	17. Parent/guardian notification; suspension; in-school suspension; payment for misuse of property Pre-Superintendent Conference.
18. Theft of public or private property. (over \$100)	18. Parent/guardian notification; in-school suspension; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral; payment for stolen items.
19. Smoking in school buildings or on school grounds.	19. Parent/guardian notification; detention; in-school suspension; suspension Pre-Superintendent Conference.
20. Extortion. “√”	20. Parent/guardian notification, suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral; payment for stolen property.
21. Indecent exposure or sexual misconduct. “√”	21. Parent/guardian notification; suspension; Pre-Superintendent Conference; police, Family Court or Criminal Court referral.
22. Leaving food or other perishable items in locker.	22. Verbal reprimand; detention; clean up locker.
23. Storing of illegal or stolen property in lockers. “√”	23. Parent/guardian notification; suspension; Pre-Superintendent Conference; police referral.
24. Disorderly conduct. “√”	24. Parent/guardian notification; in-school suspension; suspension; Pre-Superintendent Conference.
25. Using profanity or other disrespectful language or gestures. “√”	25. Verbal reprimand; parent/guardian notification; detention; in-school suspension; suspension; Pre-Superintendent Conference.
26. Missing an appointment without good reason. “√”	26. Detention; in-school suspension.
27. Reckless driving on school property. “√”	27. Parent/guardian notification; detention; restriction or termination of driving/parking privileges; Pre-Superintendent Conference.
28. Illegal parking in an unauthorized zone or without a permit.	28. Warning; verbal reprimand; temporary or permanent termination of driving/parking privileges; Pre-Superintendent Conference.
29. Failure to accept detention or other disciplinary action.	29. Parent/guardian notification, suspension. Police may be called to escort student off school property if student refuses to leave or becomes disruptive.
30. Throwing snowballs, stones or other hard objects or missiles; dropping or throwing of objects out of upper floors of buildings. “√”	30. Principal/teacher reprimand; parent/guardian notification; detention; suspension; Pre-Superintendent Conference.
31. In-school possession of radios, MP3 players, headphones; or beepers or other electronic equipment not presently being used for instructional purposes.	31. Parent/guardian notification; detention; in-school suspension; parental retrieval of equipment; suspension and Pre-Superintendent Conference.

APPENDIX B
Process for Removal of Substantially Disruptive Pupil by Teacher



Replaces #5160
Revised 8-23-07
Revised 8-05-08
Revised 6-18-09