

**MINISINK VALLEY CENTRAL SCHOOL DISTRICT  
CODE OF CONDUCT 2018-2019**

*New York State's S.A.V.E. legislation requires that parents be provided a Code of Conduct before the start of each school year. This code includes the procedures relating to discipline, detention, suspension and expulsion. Please review this document and share information with your child.*

**INTRODUCTION**

The Minisink Valley Central School District is committed to maintaining high standards of education for students in the schools. Because the district believes that order and discipline are essential to being educated effectively, the district is also committed to creating and maintaining high behavioral standards and expectations.

The district believes that order and discipline must be a shared responsibility between school, home and community. This code of conduct was developed by student, teacher, administrator and parent organizations, school safety personnel and other board-approved school personnel.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

The safety of students shall be ensured through close supervision of students (including surveillance cameras) in all school buildings, on buses and on school grounds.

**DEFINITIONS**

For the purposes of the code, the following definitions apply:

**Disruptive Student** - 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.

**Removal** - the act of a teacher in discontinuing the presence of the student in his/her classroom.

**School Property** - 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 §142 of the New York State Vehicle and Traffic Law.

**School Function** - any school sponsored extracurricular, co-curricular or other event or activity taking place on or off school property.

**Suspension** - the act of a building principal (or acting building principal), superintendent of schools, district superintendent or board of education in discontinuing the presence of a student from his/her regular classes.

**Violent Student** - a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- 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.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- 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.
- Knowingly and intentionally damages or destroys school district property.

**Weapon** - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as 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.

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

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

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly

or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

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

**Harassment** - means the creation of a hostile environment by conduct or by threats, intimidation or abuse that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

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

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

**Bullying** has the same meaning as harassment under the Dignity for All Students Act (DASA) (see above).

**Cyberbullying** means harassment or bullying through any form of electronic communication.

**Discrimination** means the act of denying rights, benefits, justice, equitable treatment or access to facilities available to others, to an individual or group of people because of the group, class or category to which that person belongs.

### **DIGNITY FOR ALL STUDENTS ACT (DASA)**

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing and intimidation. The District will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at school-sponsored events and activities that take place on or off of school property. In addition, any act of discrimination or harassment outside of school-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline. (DASA Policy Attached)

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

The Minisink Valley Central School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

### **RIGHTS OF STUDENTS**

Students have a right

- To be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- To learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- To participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
- To be informed of all school rules;

- To be guided by a discipline policy which is fairly and consistently implemented.

Students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech, which materially and substantially disrupts the work and discipline of the school, may be subject to limitation.
2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, armbands or badges of symbolic expression so long as the same conform to the limits set forth herein under "dress code".
3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the school district. The privilege of participating in such activities shall be conditioned upon appropriate conduct.
4. **Student Government** - Students are encouraged to participate in the various student governmental bodies that have been or may be established in our schools.
5. **Student Clubs and Other Student Organizations** - The district encourages students to participate in curriculum related extracurricular activity clubs and/or organizations. To the extent that the district authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as board of education policy or regulations.
6. **Privacy Rights [Search and Seizure]** - No student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the school district and shared with the student.
7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability that follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the principal of the school. Grievances or complaints may be appealed in writing to the superintendent of schools.
9. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

## RESPONSIBILITIES OF STUDENTS

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- To attend school on a regular and punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;
- To respect school property, e.g. lockers, and help to keep it free from damage;
- To obey school regulations and rules made by school authorities and by the student governing body;
- To recognize that teachers and administrators have the right and the authority to administer consequences in accordance with this code of conduct both for behavior when at school as well as during any school-sponsored activities.
- To contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- To become familiar with this code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report the incidents to the administration.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

## THE ROLE OF PARENTS

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged

- To show an enthusiastic and supportive attitude toward school and education;
- To teach their child self-respect, respect for the law, respect for others and for public property;
- To insist on prompt and regular attendance;
- To recognize that teachers merit the same consideration and respect that parents expect from their child;
- To encourage their child to take pride in his/her appearance;
- To help their child learn to deal effectively with negative peer pressure;
- To provide a place conducive for study and completion of homework assignments;
- To help their children to understand the Code of Conduct
- To foster a feeling of pride in their child for their school.
- To provide a place for study and to ensure that homework assignments are complete.

- Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

### **THE ROLE OF SCHOOL PERSONNEL**

School personnel play an important role in the education of students. In view of this responsibility, school personnel must

- Promote a climate of mutual respect and dignity that will strengthen each student's positive self-image;
- Treat students in an ethical and responsible manner;
- Report violations of the code of conduct to the building principal or acting building principal;
- Immediately report and refer violent students to the principal or superintendent of schools.

### **THE ROLE OF TEACHERS**

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, that will strengthen each student's positive self-image;
- Utilize classroom routines that contribute to the total instructional program and to the student's development of civic responsibility;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Communicate regularly with students, parents and other teachers concerning student growth and achievement;
- Teach the common courtesies by precept and example;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with appropriate personnel;
- Report to the principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- Explain and interpret the discipline code to students;
- Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
- In the event of removal from class, inform the student and the principal of the reason for the removal;
- Be available in the halls for supervision of students during class change;
- Immediately report and refer violent students to the principal or superintendent of schools.
- Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **THE ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders of the school, the Principal and his/her assistant(s) must:

- Seek to develop a sound and healthful atmosphere of mutual respect;
- Develop procedures that reduce the likelihood of student misconduct;
- Work with students and staff to formulate school regulations;
- Assist staff members to resolve problems that may occur;
- Work closely with parents to establish a wholesome relationship between home and school;
- Establish necessary building security;
- Assume responsibility for the dissemination and enforcement of the "Code of Discipline and Responsibilities" and ensure that all discipline cases referred are resolved promptly;
- Insure that students are provided with fair, reasonable, and consistent discipline;
- Demonstrate desirable standards of behavior through personal example.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior
- in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the superintendent of schools and central administrators must:

- Recommend to the board of education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- Develop and implement an effective "Code of Conduct" supportable by students, parents, staff and community;
- Demonstrate desirable standards of behavior through personal example;
- Provide each teacher with a copy of the code of conduct.

- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **THE ROLE OF THE BOARD OF EDUCATION**

The board of education shall:

- Adopt the policies governing the district, including this code of conduct;
- Ensure that the code of conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensure that the code of conduct is clearly communicated to students, parents, staff and the school community;
- Annually review the code of conduct and update it as necessary
- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

In an effort to maintain a safe and healthy educational environment, all visitors to the district must sign-in at the main office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this code of conduct.

## **REPORTING CODE VIOLATIONS: CONDUCT OF VISITORS**

### **1. To School District Personnel**

Students, teachers and other district personnel are encouraged to report any violation of the code of conduct to the building principal or, in his/her absence, the acting building principal. Such individuals are required to report any threat of violence, including, but not limited to bomb threats, threats to person or property, whether by oral, written or electronic means, to the building principal or in his/her absence, the acting building principal. Teachers, other professional staff and other district personnel shall immediately report violent students to the building principal or superintendent of schools. Teachers, other professional staff and other district personnel shall respond appropriately to discipline infractions in accordance with this code of conduct.

### **2. To Local Law Enforcement Agencies**

School administrators shall immediately report any acts of violence that constitute or may constitute a felony or misdemeanor to the appropriate law enforcement agency. When necessary, the district will file a complaint in criminal court against the actor.

### **3. To Human Services Agencies**

The district will report any violations of the code of conduct that constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the district will file a Person in Need of Supervision (PINS) petition in Family Court, or request that a Juvenile Delinquency petition be filed by the proper authorities.

## **REMOVAL OF A STUDENT FROM THE CLASSROOM**

No student will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors. Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

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

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

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

- Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- The building principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- The building principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the principal or designee to discuss the reasons for removal. If the student denies the charge(s), the principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.

- The principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law.
- The principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal principal's removal conference. The teacher who causes the removal may be required to attend the principal's conference at the principal's discretion.
- The district shall provide continued educational programming and activities for students who are removed from their classrooms.
- An appeal brought by the parent or student over the age of 18 of a principal's removal decision must be presented to the superintendent of schools prior to any further appeal.

## **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

Students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

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

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such consultation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the opportunity for an informal principal's conference, unless waived, as described in paragraph "C", below.

### **B. Short Term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a building principal or an acting principal in the absence of the building principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Upon request, an informal conference with the principal and other parties involved shall be convened as soon as possible, [at which time the witness(es) relied upon by the principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a principal's suspension must be presented to the superintendent within 48 hours from when the suspension begins. Further appeal must be presented to the board of education within 10 calendar days.

### **C. The Long-term Suspension Process**

#### **Suspension for More than Five Days**

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

When a student is subject to a long-term suspension, the superintendent of schools or board of education may designate a hearing officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

### **D. Hearing Procedures**

#### **Notice of Hearing**

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

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

#### **The Long-Term Suspension Hearing**

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

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

In the event that one or more of the charges is sustained, the hearing officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the hearing officer in determining an appropriate penalty.

The hearing officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long term suspension hearing.

The superintendent or board, whichever designated the hearing officer, shall make its own findings of fact and penalty decision, by adopting those of the designated hearing officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended.

#### **Alternative Instruction**

Pursuant to the Education Law, no student within the compulsory education ages (6 through the school year in which the student becomes 16) shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately giving due regard for the nature and circumstances of each particular case.

#### **Appeals Process**

The decision of the superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the board of education within ten days. The board shall review the record of the proceedings, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the board.

#### **E. Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed in the code after having an informal meeting with the superintendent of schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the district in determining the appropriateness of such suspension of service.

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

Extra-curricular and co-curricular activities as well as school functions (including dances, prom, graduation) are privileges, not rights. A student may be suspended from participating in extracurricular or co-curricular activities (including a sports team) for an infraction of any of the provisions of the code.

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

#### **G. Suspension of Students with Disabilities**

A principal may suspend a student with an educational disability for a short-term period (5 school days or less in the same manner as non-disabled students may be suspended.) A principal's designation of an interim alternative educational setting must be made in consultation with the student's special education teacher.

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

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

#### **Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504")/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 committee for any further consideration.
2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The Section 504 Committee must register a referral and bring about an evaluation in the case of a student with a suspected disability or, if the student is already eligible under Section 504, it must consider possible program modifications and disposition on a non-disciplinary basis.

The school district must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

### **IDEA Disability**

The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modifications and disposition on a non-disciplinary basis.

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter “IDEA”) [a student with an educational disability], the Manifestation Team (hereinafter the “MT”) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and serious bodily injury) and the matter placed under the jurisdiction of the CSE for any further consideration.
2. If no nexus is found, the relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 hearing officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The school district must continue to provide a free appropriate public education to students who have been suspended from school.

### **Suspensions beyond Ten (10) School Days**

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student’s disability.

A student classified to deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The MT has made a determination that the student’s misconduct was not related to the student’s disability;
2. The school district obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function, or serious bodily injury to another student or staff member;
4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 hearing officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the §504 team or MT, respectively.

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

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five **school** days (less if the discipline is for a non-disabled student would be less), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function, or inflicts serious bodily injury to another student or staff member while at school or a school function.

1. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of federal law.
2. In accordance with law, the term “weapon” means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons, drugs and/or serious bodily injury, the CSE must conduct a manifestation determination and a functional behavioral assessment.
3. In accordance with law, the term “serious bodily injury” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted or obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
4. Placement in an interim alternative educational setting as a result of conduct involving weapons, drugs and/or serious bodily injury is not contingent upon a MT determination that the misconduct is not related to the student’s disability.
5. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student’s IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons, drugs, and/or serious bodily injury does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed as the student’s “stay put” placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the school district may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 **school** days.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer (IHO) may order the placement of a student with a disability in an interim alternative educational setting (IAES) for up to 45 school days at a time, if the IHO:

1. Determines that the district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;
2. Considers the appropriateness of the student's current placement;
3. Considers whether the district has made reasonable efforts to minimize the risk of harm to the student's current placement, including the use of supplemental aids and services; and
4. Determines that the IAES proposed by the district personnel meets the requirements of federal law.

### **Declassified Students**

In accordance with law, the manifestation team must conduct a manifestation determination in the case of a student with an educational dis-ability who has been subject to discipline within a year of the CSE's declassification determination if the disciplinary matter involves behavioral problems.

### **H. Off-Campus Misconduct**

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities, to the extent that the superintendent of schools and/or board of education believes that the student's continued attendance in school would adversely affect the educational process (e.g. disrupt the operation of the school) or constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools. A student may also be subject to discipline for cyberbullying that occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

### **I. Dress and Appearance**

Students are expected to dress and groom themselves with pride and a positive regard for self and the learning environment. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are prohibited in school or at school functions:

- Any dress or appearance that constitutes a threat or danger to the health and safety of students (e.g. chains, heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, sexually provocative, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, undergarments, extremely plunging necklines or waistlines);
- Extremely brief or revealing garments such as tube tops, camisoles, net tops halter tops, plunging necklines (front and/or back), see-through garments, spaghetti straps, short shorts/mini-skirts (a minimum 3 inch inseam is required), pajamas etc. are not appropriate.
- Any dress or appearance that encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance that advocates or encourages other illegal or violent activities; (e.g., any clothing, color or accessories that could associate a student with a gang or gang-related activities.)
- Any dress or appearance that advocates discrimination hatred, or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- Any dress or appearance that constitutes a disruption to the educational process.
- Students shall be responsible for the maintaining of pants and skirts in an appropriate manner as observed in a professional business environment. All pants and skirts should be secured at waist level and may not fall below the waist to such a degree that a student's posterior or underwear is shown in any manner.
- Footwear that is a safety hazard will not be allowed. Because of their destructive nature, no metal cleats or taps will be permitted on boots or shoes and no slippers. Students must wear footwear at all times. No heeels are permitted (shoes with wheels).
- A dress code for employees is a mandatory subject of collective bargaining and, as such, may not be imposed upon employees who are members of unions without negotiations. Nevertheless, employees are responsible to ensure that their dress is safe and appropriate, and does not disrupt or interfere with the educational process.

### **J. Computer and Internet Use and Student Use of Electronic Communication Devices**

The following prohibited use of district-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail originating from the school premises or received at the school premises that a student user creates that is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages; conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals; constitutes a state and/or federal crime; is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s); attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.
2. Internet use that circumvents access restrictions placed upon the district's computer systems by the board of education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

5. E-mails or other electronic communications created by a student or another individual at the student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more district students, parents, or staff members at their homes or other off-campus sites, which convey threats of violence to a specific individual or individuals or to the District may give rise to disciplinary action against said student.
6. Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors.  
Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved.

#### K. Disciplinary Measures/Consequences

The following shall constitute appropriate disciplinary measures authorized by this student code of conduct:

1. Warnings (oral or written).
2. Detention.
3. Confiscation of a prohibited item.
4. In-school suspension.
5. Suspension from transportation.
6. Suspension from extracurricular activities and co-curricular activities.
7. Suspension from school for up to five (5) school days.
8. Suspension from school in excess of five (5) days.
9. Referral to appropriate law enforcement agency
10. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) calendar days.
11. Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
12. Permanent suspension (Expulsion).

#### F. Infractions with Penalty References

- (1) **Homicide:** any intentional violent conduct that results in the death of another person. (7,8,9,10,11,12)
- (2) **Sexual Offenses:**
  - 2a. **Forcible Sex Offenses.**
  - 2b. **Other Sex Offenses.**  
(2,3,4,5,6,7,8,9,10,11,12)
- (3) **Assault:** engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories: (7,8,9,10,11,12)
- (3a) **Physical Injury:** means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.  
(5,6,7,8,9,10,11,12)
- (3b) **Serious Physical Injury:** means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement. (7,8,9,10,11,12)
- (4) **Weapons Possession:** possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials as set forth on the list below(7,8,9,10,11,12)
- (4a) **Routine Security Checks:** possession of one or more weapons (see list below) secured through routine security checks.

Weapon: means one or more of the following dangerous instruments (the list is not all inclusive):

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paintball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a slingshot or slungshot;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun, including a toy gun, that cannot be easily distinguished from a real gun;

- x. loaded or blank cartridges or other ammunition; or
  - xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death. (5,6,7,8,9,10,11,12)
- (4b) **Weapons possessed under other circumstances:**  
Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker. (5,6,7,8,9,10,11,12)
- (5a) **Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)**  
A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner’s regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner’s regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.
- Bullying is defined as a form of unwanted, aggressive behavior among students that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.
  - Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
  - Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
  - Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental.
- Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law; , for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and §3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex. (4,5,6,7,8,9,10,11,12)
- (5b) **Cyberbullying:** is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.(See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii)) (4,5,6,7,8,9,10,11,12)
- (6) **Bomb Threat:** a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property. (5,6,7,8,9,10,11,12)
- (7) **False Alarm:** Causing a fire alarm or other disaster alarm to be activated knowing there is no danger or, through false reporting of a fire or disaster. (7,8,9,10,11,12)
- (8) **Use, Possession, or Sale of Drugs:** illegally using, possessing or being under the influence of a controlled substance or marijuana on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property. (5,6,7,8,9,10,11,12)
- (9) **Use, Possession, Sale or other Distribution of Alcohol:** illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, in a vehicle on school grounds or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person. (5,6,7,8,9,10,11,12)
- (10) Disturbances that disrupt instruction and/or the general functioning of the building. (1, 2, 4, 6, 7, 8, 9, 10, 11, 12)
- (11) Repeatedly disruptive and/or substantially interferes with the teacher’s authority in class, giving rise to removal on four or more occasions per semester (4,7,8)
- (12) Carelessness in failing to follow school rules and staff directions. (1, 2)
- (13) Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code and for failing to notify a parent of assignment to detention (1, 2, 4, 5, 6, 7, 8)
- (14) Dress or appearance which is inappropriate as described in this code (1, 2, 4, 6, 7, 8)
- (15) Public display of affection beyond handholding (1, 2, 4, 5, 6, 7, 8)
- (16) Lewd behavior. Lewd behavior is behavior that is obscene or sexually provocative. (5, 6, 7, 8, 9, 10, 11, 12)
- (17) Possession or dissemination of lewd or obscene materials or materials which encourage illegal activities

- (2, 3, 4, 5, 6, 7, 8)
- (18) Use of an electronic or digital device to transmit sexually explicit or sexually provocative written or visual (photos or videos) material to another individual (“sexting”) (4, 5, 6, 7, 8, 9)
  - (19) Cheating in any academic, extra-curricular or co-curricular activity. (1, 2, 6, 7, 8, 9)
  - (20) Plagiarism: To plagiarize is to present as one’s own, the words or ideas of another. (4, 5, 6, 7, 8)
  - (21) Forgery or fraud (4, 5, 6, 7, 8)
  - (22) Improper use of bus passes or hall passes (1, 2, 4, 5, 6, 7)
  - (23) Lying to school personnel or making false accusations against another (1, 2, 4, 5, 6, 7, 8, 9)
  - (24) Eating or drinking outside of lunch periods or where prohibited (1, 2, 3, 4, 7)
  - (25) Gambling: Gambling is defined as playing games for money or property. (3, 4, 5, 6, 7, 8, 9)
  - (26) Unauthorized use of beepers, cellular/digital phones, two-way phones, or camera phones, cameras, portable music players and other electronic devices or the use or possession of lighters, light or laser pointers (1, 2, 3, 4, 7)
  - (27) Violation of computer use policy (1, 2, 3, 4, 7, suspension of computer privileges)
  - (28) Parking in unauthorized areas or driving in an unlawful manner while on school grounds (1,2,4,7, suspension of driving privileges, towing of the vehicle)
  - (29) Tardiness to class/school (1, 2, 4, lunch detention)
  - (30) Class, study hall, homeroom, teacher detention, administrative detention cuts. (2, 4, 7)
  - (31) Leaving campus without authorization (2, 4, 6, 7, 8)
  - (32) Unauthorized absence from class or school (1, 2, 4)
  - (33) Trespassing while suspended from school (3, 6, 7, 8, 9)
  - (34) Abusive language/indecent gestures directed at staff, students or visitors on school grounds/at school functions (2, 4, 5, 6, 7, 8)
  - (35) Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions that provoke a fight (2, 4, 5, 6, 7, 8)
  - (36) Hazing: Hazing is any humiliating or dangerous activity expected of a person to join or be part of a group regardless of the willingness to participate. (5, 6, 7, 8, 9, 10, 11, 12)
  - (37) Extortion: Extortion is obtaining money, property or favors through force or intimidation. (4, 5, 6, 7, 8, 9, 10, 11, 12)
  - (38) Threatening to cause harm to a student, administrator, faculty or staff member, or threatening to destroy school property whether through the spoken or written word, through the drawing of pictures, or through electronic means. (5, 6, 7, 8, 9, 10, 11, 12)
  - (39) Unsafe Behavior including, but not limited to shoving, pushing or horseplay (1, 2, 3, 4, 5, 6)
  - (40) Possession or use of any material or substance that could endanger others or disrupt instruction. (examples: stink bombs, itching powder, etc.) (5, 6, 7, 8, 9, 10, 11, 12)
  - (41) Smoking (including electronic cigarettes, vaporizers or other nicotine delivery devices or systems) within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school, or other tobacco use and/or possession in any indoor or outdoor area on campus, including at school functions, as well as any off campus school sponsored activities, . (2, 3, 4, 6, 7)
  - (42) Possession of and/or dissemination and/or use of tobacco, tobacco products and accessories, e.g. lighters and matches, electronic cigarettes or any nicotine delivery system, e.g., hookah sticks, vaporizers) . (2, 3, 4, 6, 7)
  - (43) Possession, Use, Distribution or Sale of any substance that alters the physical and/or mental condition of an individual. Example: Huffing, aerosol (5, 6, 7, 8, 9, 10, 11, 12)
  - (44) Possession, Use, Distribution, or Sale of illegal drugs, dangerous drugs, counterfeit drugs, drug paraphernalia, or a substance which the individual believes or represents to be such drugs at school or at school functions (5, 6, 7, 8, 9, 10, 11, 12)
  - (45) Mental or physical condition that endangers the health, safety and/or welfare of the student or others (5, 6, 7, 8, 9, 10, 11, 12)
  - (46) Commission of conduct that constitutes a misdemeanor while on school property or at a school function (5, 6, 7, 8, 9, 10, 11, 12)
  - (47) Commission of conduct that constitutes a felony while on school property or at a school function (5, 6, 7, 8, 9, 10, 11, 12)
  - (48) Instigating, inciting or helping others to commit any of the acts prohibited by this Code (1,2,3,4,5, 6, 7, 8, 9, 10, 11, 12)
  - (49) Deliberately starting a fire with intent to damage or destroy property, with or without a weapon. The fire may be started by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with or without a weapon. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist. (5,6,7,8,9,10,11,12)
  - (50) Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury, with or without a weapon. (5,6,7,8,9,10,11,12)
  - (51) Incident involving physical contact and no physical injury, with or without a weapon. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category. (2,3,4,5,6,7,8,9,10,11,12)
  - (52) Intentionally or recklessly damaging property of the school or of another person, including, but not limited to vandalism and the defacing of property with graffiti, with or without a weapon. (2,3,4,5,6,7,8,9,10,11,12)
  - (53) Unlawfully taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another, with or without a weapon. (2,3,4,5,6,7,8,9,10,11,12)

- (54) Causing a fire alarm or other disaster alarm to be activated by either falsely reporting or activating a fire alarm or other type of disaster alarm, with or without a weapon. (7,8,9,10,11,12)

**THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.**

**CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

**PUBLIC CONDUCT ON SCHOOL PROPERTY**

The board of education recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

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

**PROHIBITED CONDUCT**

No person, either singly or in concert with others, shall

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act that s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the district or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the board of education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers; cause 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- Discriminate, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
- Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- Bully or intimidate, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- Engage in "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- Sexually harass, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent of Schools chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
- drive recklessly, speed or fail to follow school crossing guard or traffic directions on school grounds, or park in unauthorized areas;
- use or distribute any cigarettes, electronic cigarettes, tobacco or tobacco related products;
- distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;

- possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids, whether specifically illegal or not) or be under the influence of any such items on school property or at a school function;
- loiter on or about school property;
- litter on school property;
- spit or engage in other unhygienic behavior on school property or at a school function; gamble on school property or at school functions, unless conducted pursuant to the Games

## **PENALTIES AND PROCEDURES**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the student code of conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

## **VIDEO SURVEILLANCE**

Security cameras exist in all district buildings for the protection of students, staff and property. These cameras may be used for evidence and investigation of student misconduct.

## **ENFORCEMENT PROGRAM**

The superintendent of schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

1. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the superintendent or his/her designee shall cause the ejection of the violator from any premises that s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
2. The superintendent or his/her designee may apply to the public authorities for any aid that s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the board's counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

## **DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

The Board of Education and Superintendent 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 the beginning of each school year.
2. Making copies of the code and a summary of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with access to or a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with access to or 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 Board of Education directs the Policy Management Committee to review this code of conduct every year and update it as necessary. In conducting the review, the Committee will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

Before adopting any revisions to the code, 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 of Education no later than 30 days after adoption.

## POLICY #7551 SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS

*In accordance with the Dear Colleague Letter on Sexual Violence issued by the United States Department of Education, Office for Civil Rights (O.C.R.) in 2011, school districts are required to annually disseminate the policy to staff and students. Please review this document and share information with your child.*

It is the policy of the Minisink Valley Central School District to prohibit student sexual harassment and gender based harassment in the schools, at school activities and at events sponsored by the School District. To that end, all officers, supervisory personnel, employees and students of the School District shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

### Definitions

Sexual harassment is defined as discrimination against a person of a different or the same sex because of their actual or perceived sex and/or gender, which creates a hostile learning or school environment.

Gender based harassment is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the same or opposite gender or that which treats a person of that gender differently in the learning or school environment because of his/her gender and/or failure to conform to gender stereotypes.

Sexual or Gender based harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual violence (prohibited sexual violence refers to physical sexual acts perpetrated against a person's will or where the person is incapable of giving consent due to the person's use of drugs or alcohol or an individual's intellectual or other disability); sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

### Title IX Officer

The District's Title IX Officer is the Assistant Superintendent for Human Resources and is charged with investigating and/or overseeing the investigation of sexual or gender based harassment complaints. The District's Title IX officer can be reached by calling (845) 355-5810 or by mail: PO Box 217, Slate Hill, NY 10973 and by email at the following email address: Michael Giardina <mgiardina@minisink.com>

### Procedure

Any student, parent, employee or third party who believes that a student has been subjected to sexual harassment or gender based harassment by an officer, employee, student or volunteer must promptly report the matter to the District's Title IX Officer, who shall promptly and impartially investigate the alleged conduct. The District shall investigate an allegation of student-on-student sexual harassment even if the alleged conduct occurred initially off school grounds. The Title IX officer shall conduct an intake interview and explain the following options to the alleged victim(s) for resolution:

- a) Registering an informal complaint verbally or in writing; or
- b) Registering a formal complaint verbally or in writing; or
- c) Engaging in voluntary staff facilitated mediation to arrive at a resolution of the matter (this shall not be utilized when allegations involve sexual assault or sexual violence); or
- d) Placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process by all involved, except as necessary to assure fair and due process.

The Title IX officer or investigator shall:

- a) Consult with relevant staff and notify the complainant of his/her options to avoid contact with the alleged perpetrator during the pendency of the investigation; minimizing any burden on the educational program of the complainant;
- b) Advise the alleged victim(s) of available resources such as counseling and mental health services;
- c) Advise the alleged victim(s) of their right to file a complaint with local law enforcement (a referral or pending law enforcement investigation shall not be a basis to delay the District's investigation and remediation, if appropriate);
- d) Make follow-up inquiries with the alleged victim and alert the victim and relevant staff of the need to report to the Title IX officer any subsequent retaliatory action and/or harassment; such as name calling or taunting of the complainant or others involved in the investigation that may occur.

### Complaints

All complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the Board's approval list to promptly conduct a full and fair impartial investigation of the complaint; which will include providing the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools within 60 calendar days of the initial report received either verbally or in writing. The evidentiary standard used during the investigation is preponderance of the evidence in resolving the complaint. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint in writing concurrently. Such written determination that may include:

- a) A finding that this policy has not been violated; or
- b) A finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

The Superintendent shall take such further action necessary to reasonably deter and prevent any further acts prohibited by this policy. Such further action may include:

- a) Separating the harasser and the victim (in a way that does not adversely impact the victim's educational program);
- b) Providing an escort to ensure that a student is able to safely move between classes and activities;
- c) Providing counseling to the target and/or harasser;
- d) Disciplinary action against the harasser;

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**Minisink Valley CSD**  
**P.O. Box 217, Rte. 6,**  
**Slate Hill, NY 10973**

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John Odland, Catherine Prezioso,  
Thomas Salamone

**Superintendent of Schools**

Brian C. Monahan

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**Complaints (continued)**

- e) Providing academic support services such as tutoring or arranging for a complainant to re-take or withdraw from a course, including ensuring that any changes do not adversely affect the complainant's academic record;
- f) Reviewing any disciplinary action taken against the complainant to determine if there was a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined;
- g) Providing education and training on sex and/or gender based harassment;
- h) Directing the victim in writing to immediately report any new concerns or incidences of harassment and/or retaliation by the perpetrator(s) or others;
- i) Providing a written directive to those involved in the investigation/allegations of the prohibitions against further harassment and/or retaliation against the victim and others for their role in cooperating in the investigation.

**Alternates**

The Board shall appoint more than one Title IX Officer and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities as described above with respect to informal or formal complaints.

**Appeal of Formal Complaints**

If a complaint hasn't been processed to a satisfactory disposition by the Superintendent within 60 calendar days of when the complaint is received in writing by the Title IX Coordinator, unless longer following request by the Title IX Officer and/or investigator this timeline has been extended by the Superintendent with the written consent of the complainant, the complainant or alleged perpetrator(s) may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary. The Board shall render a written decision on such an appeal within 30 calendar days. In cases in which the Board serves as an alternate, there shall be no internal appeals process.

**Confidentiality**

The District's Title IX Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.

If the complainant student requests that his/her identity and other identifiable information not be revealed, the School District should weigh that request against the following factors:

- a) The seriousness of the alleged harassment;
- b) The complainant's age;
- c) Whether there have been other complaints about the same individual;
- d) The alleged harasser's rights to receive information about the allegation if the information is maintained as an educational record under the Family Educational Rights and Privacy Act.

**Consequences**

Students or staff who violate this policy shall be subject to disciplinary or other corrective action with due process provided as appropriate.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Any complaint that involves allegations which constitute or may constitute criminal behavior, will be immediately and directly referred to law enforcement personnel by the District. Such a referral shall not relieve the District of its obligations to investigate and remediate such conduct.

**Training**

The District shall provide appropriate written notice and preventative training to students, staff, school law enforcement and volunteers regarding awareness and reporting/investigating sexual and gender based harassment and sensitivity to issues involving sex and gender based harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

**Distribution of Policy**

A copy of this policy and its procedures for investigating sexual and/or gender based harassment complaints shall be available on the District's website and electronically or manually distributed to all personnel, middle school students, high school students and their parents/guardians and posted in appropriate places within the District. This policy shall be disseminated and reviewed during staff and student orientations, mailings and upon receipt of complaints. Elementary age students shall be provided with age appropriate materials and training.