



CODE OF CONDUCT

2023-2024

Board Policy #5300

Mission Statement

MCS prepares students for life beyond school through high quality, diversified and engaging educational experiences.

MCS CODE OF CONDUCT

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I. Introduction

Why we have a Code of Conduct

The Milford Central School District has developed and implemented a set of expectations for conduct on school property and at school functions.

Milford's Crest reflects the attributes that develop good character and conduct which is essential to behavioral and academic success.

The Code of Conduct addresses both the development of student character and conduct. ~~The code~~, In conjunction with the district safety plan, contains standards and procedures that assure the security and safety of students and school personnel.

The Board of Education of the Milford Central School recognizes the need to:

- Clearly define the expectations for acceptable conduct on school property.
 - Ensure that the school provides equal access to a wide range of supports and interventions that promote positive behavior.
 - Help students develop self-discipline and social and emotional worth.
 - Enable students to improve and correct inappropriate and unsafe behaviors.
 - Identify the possible consequences of unacceptable conduct; and
 - Ensure that discipline is administered promptly and fairly.
- Unless otherwise indicated, This Code of Conduct applies to all students, district personnel, parents/guardians, and other visitors when on school property or attending a school event or activity, including sporting events.

II. Beliefs about learning and discipline

All children and young people must be assured that they can learn in a non-disruptive atmosphere and will be treated in a fair, equitable, consistent, and nondiscriminatory manner.

The Board of Education believes:

- All children and young people are capable of achieving their personal best, and when necessary improving their behavior with guidance, instruction, support, and coaching. These practices fall along a continuum that responds to children of all abilities.
- Students need different kinds and amounts of time, attention, tasks, interventions and supports to behave responsibly, succeed academically, and achieve at high levels.
- Consistent expectations and accountability for these expectations allow ~~for~~ students to anticipate and become familiar with routines and ~~consequences~~ for their actions.
- The use of out-of-school suspension as a response to challenging behavior does not improve school climate or outcomes for students.

Students are more likely to do the right thing when:

- They understand the positive behaviors that are expected of them.
- They feel that staff members care about them and will help them learn and grow.
- All ~~school~~ staff consistently use shared language and practices; and,
- All staff members provide recognition and feedback for behaving appropriately, making their best effort, and completing high-quality work.
- The root of the word discipline is "pupil." Effective discipline helps students become more self-disciplined and teaches students to become more self-aware.

To be effective, the code must:

1. Be positive and preventative in nature.
2. Promote self-discipline.
3. Concern itself with the welfare of the individual as well as that of the school community.
4. Promote a close working relationship between parents and District staff.
5. Distinguish between minor and serious offenses as well as between first time and repeat offenders.
6. Provide disciplinary responses that are fair, equitable and appropriate to the misbehavior and age or cognitive level of the individual.
7. Be administered by all in a way that is fair, equitable, reasonable, and consistent.
8. Encourage a high regard for every person's right to be provided the opportunity for reasonable due process procedures when there is an allegation of misconduct; and
9. Comply with provisions of federal, state, and local law as well as with guidelines and directives of the New York State Board of Regents and the New York State Education Department, including the reporting of material incidents of harassment, bullying and/or discrimination as well as implementation of the Dignity for All Students (DASA) Act.

Goals of the Student Code of Conduct

- Develop interventions and consequences that enable students to increase their capacity to self-regulate and interact positively and responsibly with others, and in a manner that is developmentally appropriate.
- Ensure that classrooms and public spaces are safe, civil, and orderly.
- Prevent inappropriate, unacceptable, and unsafe behaviors.
- Support improved behavior for students with the highest number of incidents of unacceptable behavior.
- Reduce overuse and disproportionate use of in-school and out-

- of-school suspensions and school discipline referrals.
- Establish school wide expectations that all adults are committed to support and enforce.
- Increase capacity and accountability of administrators and student support specialists to intervene early and effectively with all students, particularly those with the highest needs.
- Increase capacity and accountability of teachers to respond to and correct unacceptable behaviors in an effective and respectful manner.

Guiding Principles of the Student Code of Conduct

The following principles form the foundation for creating safe, healthy, and supportive learning environments. These principles will guide school district staff, students and families, and community partners in the shared work of ensuring positive school environments and improved student outcomes.

The Code of Conduct is premised on these key principles:

1. Adults and the larger community – have an obligation to help students learn to be good citizens and lead productive lives by:
 - Enabling them to discern right from wrong.
 - Fostering in them the desire to do what is good.
 - Encouraging them to take responsibility for their words and actions.
 - Modeling positive behaviors adults want to cultivate in children and youth.
2. Student discipline and support policies and practices must be implemented in ways that are perceived to be respectful and equitable. Interactions between and among district and school staff, students, and parents are expected to protect the dignity of each individual.
3. Improving educational outcomes for all students requires that schools provide support at three levels of care and instruction throughout the whole school: in classrooms; in small groups and with individual students and families.
4. A multi-tiered system of support is aimed at addressing students' academic learning gaps and the causes of unsafe behavior. Prevention and intervention strategies may include more personalized academic instruction and support, student support services, and programs to address personal and family circumstances; social/emotional learning, such as conflict resolution, peer mediation, anger management, communication skill building; behavior replacement strategies and other restorative interventions that may include discipline circles and family group conferencing.
5. All students are treated fairly without favor toward or prejudice against any one group of students according to ability, talent, age, gender, developmental and acquired disabilities, race and ethnicity, socio-economic status, religious and spiritual orientation, national origin and home language, sexual orientation, and Indigenous heritage.
6. Student discipline and support policies and practices must be implemented in ways that are enforceable, viable, and effective. The district must ensure that all stated rules, effective policies, consequences, and interventions are actually enforceable, viable, and effective.
7. The Code of Conduct supports the use of a leveled system of interventions and consequences addressing infractions.
8. unacceptable, and unsafe behaviors with the ultimate goal of teaching positive behaviors and strengthening students' personal, social, and academic efficacy. A leveled student discipline and student support system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:
 - Learn from their mistakes.
 - Understand why the behavior is unacceptable.
 - Acknowledge the harm.
 - that they have caused or the negative impact of their actions.
 - Understand what they could have done differently in the situation.
 - Take responsibility for their actions.
 - Be given the opportunity to learn pro-social strategies and skills to use in the future; and
 - Understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.
9. Every reasonable effort should be made to correct student misbehavior through guided interventions. Interventions are essential when inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious concerns that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.
10. Effective schools promote and model mutual respect, high-quality professionalism, and transparent accountability based on trust among and between administration, staff, students, and families.
11. The District builds a culture based on pride, respect, honesty and excellence. At the heart of a healthy school culture is the commitment of all staff to take responsibility for the healthy development of students and model the skills, behaviors, and mindsets they seek to cultivate in children and young people. To this end, school staff, teachers and administrators are encouraged to set high expectations for student success, build positive relationships with students and teach and model for students how to behave successfully and safely in all school settings.

III. Essential Partners and Positive Behavioral Supports

Students

The Code of Conduct is your guide for behavior at school. Your principal, teachers, and other staff members will support your efforts to be successful in the personal, social and academic behaviors that are expected at school.

When you follow the expectations and rules in the Code of Conduct, you will be demonstrating your good citizenship and character and helping to make your school a safe, respectful and productive learning environment.

The Code of Conduct also describes specific behaviors that are unacceptable at school and explains the consequences that will be assigned to you if your conduct does not meet expected standards of behavior. This is your guide to understanding your rights and responsibilities.

Parents/Guardians/Caregivers

The Code of Conduct is your guide for understanding the personal, social, and academic behaviors that are expected of your child at school and how school principals, teachers and staff will work with you and your child to help them demonstrate positive behavior and enjoy academic success. The Code of Conduct also provides you with information about your rights and responsibilities.

School Administrators

The Code of Conduct is your guide supporting a safe, orderly, and productive learning environment, and help you to promote positive student behavior at school. It provides guidance in supervising and monitoring effective implementation of school wide expectations, rules, policies, systems, and practices. It will help the school to address student behaviors and support students to turn around acceptable behaviors and get back on track to school success through accountable and restorative interventions.

School Staff (including Teachers, Support Services Staff and all Support Staff)

The Code of Conduct is your guide for supporting positive student behavior at school. It will help you prevent disciplinary problems through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. If you have concerns about safety or your school's climate, please talk to your school principal so that you and your school administration can work together to maintain a safe and orderly learning and work environment.

IV. Rights and Responsibilities of School Stakeholders

Student Rights and Responsibilities

Student Rights

The Code of Conduct also describes specific behaviors that are unacceptable at school and explains the consequences that will be assigned to you when your conduct does not meet expected standards of behavior.

- The district is committed to safeguarding the rights of all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, **you have the right to:**
- ~~Get a~~ A quality education that will make you college or career ready.
 - ~~Have a~~ A school environment that is safe, promotes learning, and encourages respect.
 - Be treated fairly, with respect by fellow students and school staff.
 - Participate and be engaged in district activities regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender.
 - Be heard when facing a disciplinary issue through the processes and procedures described in the Code of Conduct
 - Have access to information concerning substance abuse, as well as access to individuals or agencies that can help you or your family members.
 - Be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, sex, gender identity, sexual orientation, or disability on school property or at a school-sponsored event, function or activity.

Student Responsibilities

Personal Conduct

- Attend school regularly and on time.
- Accept directions, requests, feedback and support respectfully from adults.
- Be truthful about and accountable for your words and actions.
- Be familiar with and follow school district rules.
- Meet the standards of behavior in the Code of Conduct.
- Contribute to maintaining a safe and orderly school environment that supports learning and show respect to other persons and to property.
- Conduct yourself to the highest standards of conduct, behavior and sportsmanship.
- Demonstrate self-discipline by making responsible behavioral and academic choices.
- Accept consequences when behavioral expectations are not met or school rules are violated.
- Make an effort to correct and improve unsafe behavior with the support of your teachers and staff.
- Dress appropriately for school and school functions.

Learning

- Attend school every day unless legally excused.
- Be on time to class.
- Work to the best of your ability in all academic and extracurricular activities.
- Strive towards your highest level of achievement possible.
- Seek help when needed.
- Ask questions when you do not understand.
- Be prepared to learn.
- Challenge yourself.
- Do your best and work hard.
- Bring an open mind and positive attitude to learning every day.

Cooperating and Treating Others with Respect

- Treat others with kindness, care and respect.
- Be polite.
- Express your thoughts and opinions in ways that are polite, respectful, and courteous.
- Use a polite tone of voice and appropriate body language.
- Listen politely when others are speaking to you.
- Respect others' personal space and keep your hands to yourself.
- Work with others cooperatively in large and small groups.
- Using social media properly

Respecting Property

- Respect the property that belongs to other students, adults, or the school.
- Use school technology appropriately as directed by adults.

A Safe School Community

- Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
- Ask for assistance when you need help resolving conflicts and differences.
- Report violations of the Code of Conduct or other school rules. Contribute to the safety and well-being of our community.

Parent/Guardian Rights and Responsibilities

A Parent, Guardian or Caregiver has the Right to:

- Be involved in your child's education.
- Be treated courteously, fairly and respectfully by all school staff.
- Receive timely information about the policies of the Milford Central School District Board of Education and procedures that relate to your child's education.
- Receive information and prompt notification of inappropriate or disruptive behaviors by your child and any disciplinary actions taken by school staff.
- Receive information and prompt notification about incidents that may impact your child.
- Receive information about due process procedures for disciplinary matters concerning your child, including information on conferences and appeals.
- Receive information from school staff about ways to improve your child's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs, and mental health services within the school district and in the community.
- Receive information about services for students with disabilities and English language learners.
- Be contacted immediately if it is believed that your child has committed a crime, and police are summoned.
- Receive regular reports, written or oral, from school staff regarding your child's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.

Parent/Guardian Responsibilities

- Collaborate with the school in the education of your child.
- Help your child understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Provide updated contact information to the school district.
- Ensure your child attends school regularly and on time and that any absences are excused (Board of Education Policy #5100 Student Attendance).
- Ensure your child follows the dress code.
- Know school rules and help your child understand them.
- Help your child deal with peer pressure.
- Inform school officials and/or staff of changes in the home situation that may affect student conduct or performance.
- Partner with the school to support expectations of academic achievement and appropriate behavior in school and in the community.
 - Support your child in ways that maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex in accordance with Dignity for All Students Act.
- Tell school officials about any concerns or complaints in a respectful and timely manner.
- Work with principals and school staff to address any academic or behavioral problems your child may experience.
- Read and become familiar with the policies of the Board of Education, administrative regulations, and the Milford Central School District Code of Conduct.
- Encourage your child to complete their homework by asking about homework, checking homework and making an area for your child to do their homework without interruption (e.g., a quiet corner; space in a bedroom; a clear kitchen table).
- Be respectful and courteous to staff, other parents/guardians and student while on school premises.

School Staff Rights and Responsibilities

School Administrators and School Staff Members Have the Right to:

- Work in a safe and orderly environment.
- Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff.
- Communicate concerns, suggestions, and complaints to the Superintendent's Office
- Receive supportive professional development and training.
- Receive the necessary resources to deliver quality instruction.

School Staff Responsibilities

All district teachers are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, nation-
al origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
 - Demonstrate interest in teaching and concern for student achievement.
 - Know school policies and rules, and enforce them in a fair and consistent manner.
- Maintain confidentiality in conformity with federal and state law.
- Communicate to students and parents
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

All district student support service staff are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher /student /counselor conferences and parent/ teacher/student/ counselor conferences, as necessary, to resolve problems.
- Regularly review with students their educational progress and career objectives.

School Administrator Responsibilities

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
- Maintain confidentiality in accordance with federal and state law.
- Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- Support the development of and student participation in appropriate extracurricular activities.
- Provide support in the development of the Code of Conduct, when called upon.
- Disseminate the Code of Conduct and anti-harassment policies.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Maintain safe and orderly schools by using prevention and intervention strategies, by following the code.
- Be respectful and courteous to students, parents and guardians, serving as role models for students.
- Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently.
- Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.
- Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner in understandable language.
- Refer students to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
- Inform parents and guardians of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
- Provide alternative education and makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.
- Participate in required professional development opportunities.

- 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.
- Follow up on any incidents of discrimination and harassment in a timely manner that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the superintendent, principal or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent the recurrence of the behavior and to ensure the safety of the student or students against whom such behavior was directed. The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct. The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying and/or discrimination to the superintendent.
- Collect and report data on the implementation of the Code of Conduct, including but not limited to, data on the use of in-school and out-of-school suspension by student demographic characteristics.
- Ensure that students and staff have the opportunity to communicate regularly with the school administration and approach the administration for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Set the expectation for all students and staff that inappropriate conduct will not be tolerated in school.
- Report and document violations of the Code of Conduct as per policy and procedures.
- Protect the legal rights of school staff, principals, students and parents or guardians.
- Provide a broad-based and varied curriculum to meet individual school needs.
- Ensure the protection of legal rights of students with disabilities.
- Provide staff training to meet the needs of students.

Superintendent Responsibilities

- Support 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 or sex, which will strengthen students' self-concept and promote confidence to learn.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Report, respond, and document violations as per policy and procedures.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the superintendent, principal or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent the recurrence of the behavior and to ensure the safety of the student or students against whom such behavior was directed.
- The principal, superintendent, or their designee shall notify prompt the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- Maintain confidentiality in conformity with State and Federal Law.
- Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the Board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Inform the community, students, parents or guardians, school staff, principals and school Board about Board policies and educational trends, including student discipline.
- Address all areas of school-related safety concerns.
- Review data on the implementation of the Code of Conduct and make recommendations on improvement when needed to reduce the use of suspensions.
- Take appropriate measures where violations of the Code of Conduct occur.

V. Dignity for All Students (DASA) Act

Bullying, Discrimination or Harassment

Bullying and cyberbullying, harassment and intimidation, hazing, and bias behaviors are unsafe and do not reflect respect for others as defined by the Code of Conduct .

If you are someone you know is a target of one of these behaviors, you can report it using the DASA Reporting Form available in the school's main office, website, or counseling office. You also can tell a staff member, who will respond quickly and provide a practical, private, and safe place to report. If an administrator determines that one of these behaviors has occurred, the students involved will receive support from a school counselor, school social worker or other school health staff person to be sure everyone involved feels safe and supported and understands how to avoid these situations in the future.

IF YOU KNOW SOMEONE WHO IS BEING BULLIED...

- If you feel safe, be an “Upstander” and
 - Tell the bully to stop by saying, “We don’t do that at this school.” Or “That’s not right to treat someone like that.”
 - Say words of support to the student being bullied.
 - Be a friend!
 - Don’t encourage the bully by laughing or joining in
 - Tell other bystanders how to help stop bullying.
- If it doesn’t feel safe ...
 - Tell an adult.
 - Encourage the bullied student to talk to someone.

IF YOU ARE BEING BULLIED...

- Tell someone — a parent, a teacher, a counselor.
- Calmly tell the student to stop ... or say nothing and walk away.

Dignity for All Students Act (DASA) Coordinators

Every building has a Dignity Act Coordinator. Please discuss any concerns regarding potential bullying, discrimination or harassment with PVS DASA Coordinator, Mr. Brant.

VI. Dress Code

We recognize that school has the responsibility to maintain a safe and orderly environment conducive to learning. Furthermore, we recognize part of one's education is learning when, where how and why appropriate dress is important. Different courses may have different requirements for appropriate dress (eg: for speeches, presentations, or performances); teachers will outline these expectations.

All students are expected to give proper attention to personal hygiene and to dress appropriately for school and school functions as outlined through the expectations below.

A student's dress including accessories, grooming, and appearance shall:

1. Be safe and not disrupt or interfere with the educational process.
2. Include opaque (non-see-through) fabric covering for chest, buttocks, groin, stomach and back at all times. Midriff exposure must not be greater than the span of the student's own hand span (excluding the thumb), while the student is standing normally, from the bottom of a top to the top edge of bottoms.
3. Ensure that undergarments are completely covered with outer clothing. A reasonable exception will be made for bra straps.
4. Include footwear at all times. Footwear should meet safety guidelines for the environment. Some footwear (such as sandals and flip-flops, etc) can be a safety hazard in some courses.
5. Allow for visibility of a student's face. Sunglasses may not be worn in the building unless accompanied by a medical note.
6. Not including items that are vulgar, obscene, libelous, or denigrating others based on race, color, national origin, religion, marital status, military status, sex, age, weight, sexual orientation, gender identity, ethnic group, religious practice, disability, or predisposing genetic characteristics.
7. Not promote and/or endorse the use of alcohol, tobacco, marijuana, illegal drugs; be of sexual nature; and /or encourage other illegal or violent activities.

We specifically allow headwear to be worn (hats, bandanas, hoodies, etc.) in common areas; however, headwear may not disrupt or interfere with the educational process. When in an instructional space, it is at the sole discretion of the adult in charge as to whether headwear may be worn.

If an adult talks with you about being out of dress code, do what they request. If you're genuinely confused about why, or what you're wearing is important to you and it's not communicating something rude or degrading about someone else, you may respectfully ask why you are in violation. If you feel that your viewpoint has not been heard, we still want you to do what has been requested but then speak to an administrator.

VII. Personal Electronic Communication Devices

Students are not to have out their electronic communication devices (cell phones, i-pads, small tablets, etc.) for any reason during an instructional bell period. This includes during a student's study hall (s) or while in the hallway during their instructional class. The only exception to this is before the first bell at 8:00 and after 3:02, the two minutes of transition between periods, and during a student's own lunch time.

A student who has their device out will forfeit the device for the remainder of the school day, no exceptions.

The use of school-issued/approved Chromebooks and laptops will continue to be allowed for appropriate uses. Inappropriate websites and inappropriate use and engagement on social media sites are violations of the student Code of Conduct.

VIII. Levels of Interventions and Responses

Determining disciplinary responses and consequences

It is necessary to consider the following prior to assignment of consequences and intervention:

- The student's age and maturity;
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct) effectiveness of interventions applied in prior behavior violations;
- The nature, severity and scope of the infraction;
- The circumstances/context in which the conduct occurred;
- The frequency and duration of the behavior;
- The number of persons involved in the behavior;
- Information from parents, teachers and student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable; and/or other extenuating circumstances.

Multiple incidents or chronic violations of the same behavior will warrant more intensive interventions and more serious consequences.

The interventions and consequences that are aligned with each level represent a menu of responses.

Teachers and administrators can select one or more responses in each level. Administrators, teachers, and student support teams are not expected to select and use all interventions in each level.

Administrators, teachers, and student support teams may also use a lower-level intervention when it is appropriate. They will strive to match students with interventions that are the least intensive, while being the most effective. Interventions will be progress-monitored and adjusted based on student response.

Minimum Periods of Suspension

For the safety reasons, some behaviors call for a minimum period of suspension. The student and parent/ guardian will be notified of the disciplinary action and given an opportunity for an informal conference for short term suspension or a hearing for long term suspensions.

Students who bring a firearm to school

Any student found guilty of possession of a weapon (firearm) on school property, as defined by the federal Gun Free School Act of 1994 (20 USC §8921) or by Education Law §3214, will be subject to suspension from school for at least one calendar year and referred to law enforcement. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

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

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

Students who commit violent acts other than possessing a weapon on school property

Any student other than a student with a disability found to have committed a violent act other than bringing a weapon onto school property shall be subject to suspension from school for at least five days.

If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to a student subject to short-term suspension. If the proposed penalty exceeds the

Minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to a student subject to long-term suspension.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students who repeatedly substantially disrupt the educational process or interfere with the teacher's authority over Classroom

Any student other than a student with a disability who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day.

For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) ~~This code on four or more occasions during a semester, or three or more occasions during a trimester.~~ If the proposed penalty is the minimum one-day suspension, the student and the student's parent will be given the same notice and

opportunity for an informal conference given to a student subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to a student subject to long-term suspension.

The superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Disciplinary Penalties

Teacher Removal of a Student from the Classroom

A student's behavior can affect a teacher's ability to teach and make it difficult for other students in the classroom to learn. In most instances the classroom teacher can use redirection prompts and reminders or a quick check-in conference to support the student's re-engagement.

Other techniques may include providing the student with a brief break in the classroom or in an alternative setting or providing the student with an opportunity to speak briefly with a student support team member. In these situations, the goal is to give the student an opportunity to regain his or her composure and self-control in order to return to the classroom ready to learn. These actions do not constitute a disciplinary removal for the purposes of this code.

When a student's behavior is identified as a Level 3 or 4 violation and seriously jeopardizes other students' safety in the classroom or seriously interrupts learning for a protracted period of time after other interventions have been attempted, the teacher may remove a student from the classroom.

Before removing the student, the teacher must explain to the student why he or she is being removed from the classroom and explain that the student will have an opportunity to present her or his version of the story in an investigation of the incident within 24 hours.

The referring teacher submits the Office Discipline Referral with student removal and has until end of day to complete details of the referral that include documentation of what happened prior to and during the incident as well as any prior responses or interventions that the teacher has attempted before this incident occurred. The teacher submitting the referral is expected to contact the parent.

The teacher submitting the referral is expected to make at least two attempts to contact a parent and submit dates and times in a district-provided parent contact log. The student is escorted from the classroom for intake by school staff or an administrator.

For students in prekindergarten-grade 6, an administrator determines time out of class, recommended not to exceed 45 minutes unless the administrator extends removal from regular classes because of the seriousness of the incident.

For grades 7-12, removal is for the remainder of the class period unless an administrator extends removal from regular classes because of the seriousness of the incident. In all instances, the removal from regular classes ends at the close of the school day. The administrator who investigates the incident may determine that other consequences are warranted.

The administrator must fully investigate the incident within 24 hours, including hearing the teacher's and student's version of the incident. If in-school suspension or out-of-school suspension is warranted, the administrator must complete the suspension documentation. The principal must keep all discipline reports. No student removed from the classroom by a classroom teacher will be permitted to return to the classroom until the principal has determined whether any additional consequences are warranted.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents/guardians, by telephone and in writing, that the

student has been removed from class and the reason(s) why. The notice shall be in the dominant language used by the parent/guardian. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or an administrator to discuss the reason(s) for the removal.

The written notice must be postmarked within 24 hours of the student's removal to the last known address for the parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/guardians. The communication must inform the parent that she/he can request a conference with an administrator and/or teacher to discuss reason(s) for classroom removal.

Within 24 hours of the incident (until Monday close of school, if incident occurred on Friday), the student's parent can request a phone or in-person conference with the principal and/or teacher to discuss reason(s) for classroom removal and next steps to resolve the problem. The principal may require the teacher who removed the student from the classroom to attend an informal conference with the student and parent. The goal of the informal conference is to explain why the student was removed, ensure that the teacher and student can present their versions of the incident, respond to parent questions, and agree on next steps that the student and

teacher will take to resolve the problem. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent/guardian and principal.

If an informal conference with an administrator, student, and parent has not taken place, the teacher must facilitate a one-to-one conference with the student within 48 hours of the student's return to class OR arrange for a student support team member to facilitate a conference between the student and teacher to discuss reasons for removal and make a plan to improve the student's behavior and engagement in the classroom.

The teacher is expected to complete the conference log documentation and is expected to monitor the student's progress through timely oral and written feedback. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or another school administrator that the removal will not violate the student's rights under state or federal law or regulation. For additional information, refer to "Students with Disabilities" (Section XIX).

Suspension from transportation

If ~~students do not conduct themselves properly on a bus, the bus driver~~ is expected to bring such misconduct to the building principal's attention by documenting the incident on a referral. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, or the superintendent, or their designees. In such cases, the student's parent/guardian will become responsible for seeing that their child gets to and from school safely.

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

Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for a classroom environment that is conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

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

OVU -PG-4DIPPM Suspension

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

Students in prekindergarten through grade 5 CANNOT receive an out-of-school suspension unless their behavior/conduct posed a serious and immediate threat to students, staff, or public safety.

The Board retains its authority to suspend a student, but places primary responsibility for the suspension of a student with the superintendent and the principal.

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

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

Board of Education Review of Disciplinary Actions that Don't Rise to the Level of Suspension

The Board of Education limits its review of disciplinary actions to only those that rise to the level of suspension. There are only two exceptions: (1) If there is clear evidence that the administration failed to follow the District's *Code of Conduct*, or (2) If there is clear evidence that the administration failed to impart a reasonable consequence as established in the *Code of Conduct*.

Absent one of the above exceptions, the Board of Education will not substitute their judgment for that of the administration, and the decision of the administration shall be final.

Consistent with our policy number 1400, all complaints should be filed with the Superintendent. If their response is not satisfactory, then a ~~written complaint~~ may be filed with the Board of Education.

When filing with the Board, state how the administration failed to do one of the following:

- (1) did not follow District's *Code of Conduct* (arbitrary), or
- (2) failed to impart a reasonable consequence based on the *Code of Conduct* (capricious).

Once the Board has received a formal, written complaint, the Board of Education will review the ~~complaint~~ at the next **regularly scheduled** Board Meeting. This review will occur in executive session with administration. The Board will not schedule a special meeting to hear an appeal of a disciplinary action that does not rise to the level of suspension.

Once the review of the ~~complaint~~ has been completed, the Board will render a decision to uphold or dismiss the complaint. That decision will be communicated in writing ~~within~~ ten (10) business days. The decision of the Board of Education is final.

Out-of-School Suspension: Five days or fewer

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

The suspending authority must also notify the student’s parent/guardian in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents.

Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent/guardian. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent/guardian of the right to request an immediate informal conference with the principal. Whenever possible, notice should also be provided by phone if the school has been provided with a telephone number(s) for the purpose of contacting the parent/guardian.

At the conference, the parent/guardian shall be permitted to ask

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

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

Out-of School Suspension: More than five days

If, after a suspension from school of five days or fewer has been imposed, the superintendent or building principal determines that a suspension for more than five days may be warranted the superintendent or building principal shall give reasonable notice to the student and the student’s parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses testifying against the student and the right to present witnesses and other evidence on behalf of the student.

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

The superintendent’s hearing will have two phases.

Phase 1: Finding of facts

In phase one of the hearing, a hearing officer is appointed, and will determine whether or not the student actually committed the alleged acts. The school will present evidence and witnesses to establish that the act(s) occurred. The student, parents, guardians or other person representing the student may also present witnesses and evidence on the student’s behalf. Both sides may question all witnesses and examine all evidence at the hearing. To prove

that the alleged Code of Conduct violations occurred there must be competent and substantial evidence that the student participated in the objectionable conduct. The hearing officer’s determination based on the evidence will ultimately form the basis of his or her recommendation to the superintendent.

Phase 2: The dispositional/penalty phase

If the student was found guilty in phase 1, then phase 2 will occur to determine what the student’s penalty will be for the conduct. Phase 2 is before the same hearing officer, and is about whether or not the school should suspend the student beyond the five-day principal suspension and if so, for how long will that suspension be.

In phase 2, both sides may present evidence beyond the facts to establish what penalty is proportionate and fair. The evidence presented may include, but is not limited, to the student’s disciplinary record and proof of mitigating factors which impact or provide insight into the student’s behavior. The penalty imposed must be proportionate to the severity of the offense involved. The hearing officer will make a recommendation to the superintendent about the penalty to be imposed.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent’s decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent.

Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

Permanent suspension

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

Alternative instruction

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

Preventative Strategies; Responding to Behavior Violations

The code creates a four-level support system that emphasizes student accountability and behavior change.

The level system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:

- Learn from their mistakes.
- Understand why the behavior is unacceptable.
- Acknowledge the harm that they have caused or the negative impact of their actions.
- Understand what they could have done differently in the situation.
- Take responsibility for their actions.
- Be given the opportunity to learn pro-social strategies and skills to use in the future; and
- Understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.

LEVEL 1 response incorporates universal school wide and classroom practices that promote the development and practice of pro-social behaviors, self-discipline, habits of learning, and healthy well-being. Through observation and immediate responses, teachers aim to prevent minor discipline problems from becoming major disciplinary incidents.

LEVEL 2 involves targeted interventions and assigned consequences when a student's behavior violation warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. Assigned consequences can include assignment to EFUFOUJPO.

LEVELS 3 and 4 involve behavior violations that seriously jeopardize school and classroom safety and order. Students who are experiencing high-risk or pervasive behavioral, academic, and physical and mental health concerns are assigned more intensive, individualized interventions.

Levels of Response at a Glance



Level 1 Response

When are Level 1 responses merited?

These may be appropriate when the behavior is a minor infraction, the student has had no prior incidents, the behavior is not persistent, or interventions have not been put in place.

Who will implement the Level 1 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team may implement other identified interventions and responses.

How will the Level 1 responses be implemented?

- Classroom interventions and responses – These interventions aim to interrupt unsuccessful behaviors and teach skills so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff.
- Student support team interventions and responses – These interventions aim to engage the student's support system at school and at home to ensure success by working to change the conditions that contribute to student's unsuccessful behaviors. They can involve school staff and partner and community agency staff.

What are possible Level 1 responses?

Classroom interventions and responses will include one or more of the following:

- Positive directives that state expectations
- Positive and specific feedback
- Re-teaching and rehearsal of skill or procedure
- Increased opportunity to respond during instruction.
- Increase teacher proximity.
- Verbal prompt, redirection and/ or correction
- Reminders and redirection
- Student/Teacher conference
- Use of restorative questions
- Develop relationships with families.
- Family conference
- Daily progress sheets on behavior
- Create a classroom check-in plan

- Restitution/Restoration strategies
- Other evidence-based student specific strategies

Student-support team interventions and responses may include one or more of the following:

- Reflection activity
- Check-in with school building staff (i.e., Check-in/Check-out)
- Mentoring
- Peer mediation
- Restitution plan
- Referral to school-based health or mental health providers
- Service to the school community
- Mediated conflict resolution conference
- Referral to community organization
- Utilize support staff
- Community Service

Level 2 Response

When are Level 2 responses merited?

These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.

Who will implement the Level 2 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team and/or building administrators will implement the other identified interventions and responses.

How will the Level 2 responses be implemented?

- Classroom interventions and responses -- These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.
- Student support team and/or administrative level interventions and responses – These interventions can involve support staff or administrative staff when needed and are designed to correct behavior by addressing the seriousness of the behavior while keeping the student in school.

What are possible Level 2 responses?

All interventions and responses listed in Level 1 are also available for Level 2.

Classroom interventions and responses will include one or more of the following:

- Collaborate with family.
- Collect progress monitoring data about the behavior and interventions attempted.
- Referral to DASA coordinator
- Review of cumulative folder and academic progress, create implement and monitor academic plan.
- Collaborate with academic coaches and/or behavior specialists to build on student strengths.
- Reflection activity
- Restorative/Restitution practices and strategies
- Restorative conference
- Increased opportunity to respond during instruction.
- Verbal prompt, redirection and/ or correction
- Create a literacy based strategic plan.
- Monitor all plans created and re-evaluate every two weeks.

- Collaborative Family Conference

- Community conference

- Conflict Resolution

Student support team and/or administrative-level interventions and responses will include one or more of the following:

- Individualized case management for students with 504 plans or IEPs
- Utilize support staff for root cause assessment/trauma assessment
- Conflict mediation
- Administrative and/or support team conference
- Mentoring/Coaching
- After school Detention
- Lunch Detention
- Suspension from Transportation
- \$PNNVOJUZ 4FSWJDF

Level 3 Response

When are Level 3 responses merited?

These interventions and responses may be appropriate when the behavior at issue jeopardizes school and classroom safety and order.

Who will implement the Level 3 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team will implement the other identified interventions and responses.

How will the Level 3 responses be implemented?

- Classroom and support team interventions and responses – If a student is removed from the learning environment, teachers/staff will review and adjust the classroom interventions and responses. The student support team and/or building administrators will implement any changes and record the effectiveness of the response.
- Administrative and student support team interventions and responses – These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

What are possible Level 3 responses?

All interventions, responses and supports available for Level 1 and Level 2 infractions are available for Level 3.

Classroom and support team interventions and responses may include one or more of the following:

- Daily progress sheets on behavior
- Initiate a student-centered discussion about the incident (and repair, restore and re- teach expectations)
- Create, implement and monitor a transition plan for student returning to the classroom, restorative circle
- Plan for classmates as student returns

Intensive administrative-level and support team interventions and responses include one or more of the following:

- Mediated conflict resolution conference
- Referral to school-based health or mental health providers
- Restitution plan
- Referral and coordination with community based supports

- Assignment to Behavior Intervention Center for behavior skill building interventions
- In-School Suspension up to 5 days
- Family/Guardian notification of due process rights
- Informal conference with principal and student
- Family/Guardian/Student/School Team conference
- Referral to student support team for behavior evaluation
- Request for Behavioral Support Specialists Team consultation for explosive/violent incident
- Develop Functional Behavioral Assessment and Behavior Intervention Plan
- For grades PreK-5, principal must immediately provide written notification to the superintendent's designee upon suspension
- Up to five-day out-of-school suspension

Level 4 Response

When are Level 4 responses required?

These interventions and responses may be appropriate when the behavior at issue seriously jeopardizes school and classroom safety and order.

Who will implement a Level 4 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team will implement the other identified interventions and responses.

How will Level 4 responses be implemented?

- Classroom and Support Team interventions and Responses – If a student is removed from the learning environment, teachers/staff are expected to review and adjust the classroom interventions and responses and seek out additional community-based resources including the parent in the process. The student support team and/or building administrators will implement any changes and record the effectiveness of the response.
- Student Support Team interventions and responses – These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

What are possible Level 4 responses?

All interventions, responses and supports available for Level 1, Level 2 and Level 3 infractions are available for Level 4.

Classroom and support team interventions and responses may include:

- Initiate a student-centered discussion about the incident (and repair, restore and re-teach expectations)
- Create, implement and monitor a transition plan for student returning to the classroom, restorative circle
- Plan for classmates as student returns

Intensive administrative-level and support team interventions and responses may include:

- Mediated conflict resolution conference
- Family/guardian notification of due process rights and informal conference with principal and student
- Referral to school-based health or mental health providers
- Request for Behavioral Support Specialists Team consultation for explosive/violent incident

- Restorative/Restitution practices and strategies
- Develop/Review Functional Behavioral Assessment and Behavior Intervention Plan
- Individualized case management for students with 504 plans or IEPs
- Referral and coordination with community-based supports
- Develop, implement and monitor transition plan
- For prekindergarten-grade 5, principal must immediately provide written notification to the superintendent's designee upon suspension.
- Comprehensive student success plan meeting
- Up to five-day out-of-school suspension
- Request for district hearing to request consideration of a long-term suspension/alternative placement

District-Wide Behavior Chart: Intervention and Consequences

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Classroom support and student support team	Classroom support, intensive out-of-class support, and appropriate administrative interventions, up to issuance of detention	Supports and discipline up to a short-term suspension (maximum 5 days OSS)	Supports and discipline up to a long-term or permanent suspension



Law enforcement MAY be called


















Law enforcement MUST be called















Students in grades PK-6 cannot be suspended out-of-school unless the behavior at issue has a green triangle below and posed a serious and immediate threat to student, staff or public safety.




Behavior Violations and Levels of Response










Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Attendance							
Failing to attend class without a valid excuse (skipping)	X	X					Significant unexcused absences will result in the possible filing of a PINS petition.
Persistent tardiness to school or class	X	X					
Persistent or excessive absences from school	X	X					
Chronic absenteeism (unexcused absences in excess of 20 days)	X	X					
Academic Dishonesty							
Plagiarism, copying another’s work, cheating or altering records	X	X	X				Students may receive a failing grade for the assignment.
Alcohol							
Under the influence			X				School staff will refer student to appropriate substance abuse counseling.
Use or possession			X				
Distributing or selling			X	X			School nurse will be immediately notified.













Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Arson							
Starting a fire			X				NYS Uniform Fire Prevention and Building Code 401.3 requires building principals to contact the fire department for any and all unwanted fires.
Destruction of property as a result of starting a fire.			X	X			
Bomb Threat							
Making threats or providing false information about the presence of explosive materials or devices on school property.			X	X			
Bullying, Harassment, and/or Discrimination							
Intentional conduct (including verbal, physical or written) or electronic communication that constitutes bully, discrimination or harassment	X	X	X				A Dignity for All Students Act (DASA) investigation is always required when bullying, discrimination and/or harassment are suspected. Depending on the allegations a Title IX or other investigation as outlined in applicable Board policies may be required.
Persistent and repeated incidents of bullying targeted at same person or group		X	X	X			
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted.			X	X			
Damage to Personal or School Property							
Minor damage (< \$50)		X					
Damage from \$50—\$500		X	X				
Damage > \$500			X	X			

Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Electronic Devices							
Use of cell phones, handheld mobile devices, electronic game devices and other similar items.	X	X					Significant unexcused absences will result in the possible filing of a PINS petition.
Use of electronic devices that lead to the threat of harm to another person		X	X				
Recording and publishing a fight		X	X				
Use of an electronic device to cause direct physical or emotional harm to another person			X	X			
Entering a Class Without Permission							
Entering a class not enrolled in without permission	X	X					
Extortion							
Obtaining money, property or information from another by coercion or intimidation		X	X	X			
Failure to Clear Security/Bypassing Security							
Entering school or school property without passing through the requisite security	X	X					
Intentionally or repeatedly entering school property without passing through the requisite security.		X	X				
False Activation of Fire Alarm							
Purposeful activation of fire alarm			X	X			Principals must complete NYSED Office of Facilities Planning Fire Incident Report Form. If the fire alarm is activated the fire department must be notified and they have jurisdiction until the event is investigated.
Forgery							
False and fraudulent making or altering of a document or the use of such a document			X	X			
Gambling							
Participating in games of chance or skill for money, things of value, or exchangeable goods	X	X	X				

Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Hallway Misbehavior							
Running, making excessive noise, loitering, or occupying an unauthorized place in the school hallway.	X	X					
Illegal Drugs							
Under the influence			X				School staff is required to refer students to appropriate substance abuse counseling.
Using or possessing			X				
Distributing or selling			X	X			School nurse must be immediately notified.
Inciting or Participating in Disturbance							
Participating in a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption.		X	X				A large disruption is defined as a disruption that causes an administrator to initiate a “shelter in place” emergency procedures, prevents large number of students from moving through the hallways, disrupts the educational process for a large number of students across the school, or poses a serious and grave threat to the safety of large numbers of students.
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption (such as a riot)		X	X	X			
Using an electronic device to bring others to initiate or engage in a disturbance.		X	X	X			
Inhalants							
Under the influence		X	X				School staff is required to refer students to appropriate substance abuse counseling.
Using or possessing			X				
Distributing or selling			X	X			School nurse must be immediately notified.
Leaving School Without Permission							
Leaving the school without permission	X	X	X				

Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Non-Compliance							
Failure to following directions	X	X					
Failure to respond to school staff directives, questions or requests	X	X					
Failure to comply with school rules, regulations, policies or procedures	X	X					
Persistent failure to comply with school rules, policies and procedures	X	X	X				
Physical Contact with Others							
Unintentional physical contact with school personnel	X	X					
Unintentionally striking a staff member who is intervening in a fight or other aggressive behavior.		X	X				
Unintentionally striking a staff member who is intervening in a fight or other aggressive behavior that causes injury to the staff member		X	X	X			
Intentional offensive touching, poking, pushing, or physical intimidation		X	X	X			
Intentional physical attack on school personnel			X	X			
Attack on student or fight with injury.		X	X				
Attack on student or fight with serious bodily injury.				X			
Two or more persons intentionally attacking a student with injury.			X	X			
Two or more persons intentionally attacking a student with serious bodily injury.				X			
Fight that causes an administrator to initiate "shelter in place" emergency procedures.			X	X			

Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Sexual Assault							
Forced sexual act				X			School staff is required to refer students to appropriate counseling.
Sexually Based Infraction or Offenses							
Sexual harassment (unwelcome sexual advances; request for sexual favors; other inappropriate verbal, written, or physical conduct of a sexual nature)		X	X	X			School staff is required to refer students to appropriate counseling.
Sexual activity or sexual misconduct (indecent exposure, engaging in sexual activity, etc)		X	X	X			Possession and/or transmission of child pornography is subject to prosecution and must be reported to police.
Technology Acceptable Use Policy Violation							
Violation of the Milford CSD Acceptable Use Policy	X	X	X				Possession and/or transmission of child pornography is subject to prosecution and must be reported to police.
Theft							
Under \$500	X	X	X				
Over \$500			X	X			
Taking money or property from another by force			X	X			
Threat (Written or Verbal)							
Verbal or written threat against any member of the school community		X	X	X			
Tobacco/Nicotine Products/Vaping Products							
Possession or use		X	X				Includes the use of e-cigarettes and vaping
Trespassing							
Entering school property when prohibited from doing so or remaining on school grounds after receiving a request to depart	X	X	X	X			

Behavioral Violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
Verbal Aggression/False Statements/Disrespectful Behavior							
Misleading or giving false information to school staff	X	X	X				
Confrontational and aggressive arguing		X	X				
Name calling; insults; making inappropriate gestures, symbols, or comments; or using profane, obscene or offensive language	X	X	X				
Weapons, Firearms, Explosives							
Possession of instruments or objects that could be used as a weapon		X	X				Expulsion for no less than one calendar year is mandated by state law for firearms violations, but can be modified on a case-by-case basis by the Superintendent of Schools.
Possession of an instrument or object used as a weapon with intent to cause injury			X	X			
Possession of a weapon				X			
Firearms: Possession of a firearm as defined in 18 USC 921 of the federal code (e.g. handguns, rifles, shotguns, bombs)				X			
Other Guns: Possession of any other type of gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns.				X			
Explosives: Possession, sale, distribution, detonation, or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substance or articles, other than a firearm				X			

IX. Student Attendance

The Board of Education, in compliance with State Education Law, requires that students regularly attend school on a full-time basis from the first day of session in September of the school year in which they become six years of age.

Also, in accordance with the State Education Law, the Milford Central School district encourages the enrollment of children who have turned five on or before December 1. Students must be enrolled through the last day of the school year in which they become sixteen years of age, unless they have completed a four-year high school course of study. Students may attend a school other than a public school or receive home school instruction, provided the instruction is equivalent to that given in the public schools.

The Board of Education believes that regular attendance is the critical factor in student academic success. It is the district's responsibility to work collaboratively with families to assist with identifying and removing barriers to regular attendance and to communicate to families the importance of regular attendance. The excused and unexcused absence list can be found in Board Policy #5100 Attendance or in the attendance manual for staff.

X Contacting Law Enforcement

The principal or his/her designee must notify the appropriate local law enforcement agency of code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but no event later than the close of business the day the principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- Protect oneself, another student, teacher or any person from physical injury.

- Protect the property of the school or others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the commissioner of education in accordance with the commissioner's regulations.

XXI. Searches and Investigations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct.

Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent/guardian before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principal, the school nurse, and district security officials to conduct searches of students and their belongings, in most instances with exceptions set forth below, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that the student possesses physical evidence that the student violated the law or the district Code of Conduct or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Searches will be conducted in the presence of two adults whenever possible.

EXCEPTIONS

Student lockers, desks, and other school storage places

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

Strip searches

Under no circumstances will any school personnel conduct a strip search of any other person. For the purposes of this section, requiring the removal of an outer coat or jacket, or shoes and socks, shall not constitute a strip search. In the unlikely event that such a thorough search is warranted, the police should be summoned to the scene.

Vehicle Searches

With regard to student owned and/or driven motor vehicles (student vehicles), driving and parking on school property is a privilege, not a right. The administration retains the authority to conduct routine patrols, including but not limited to canine sniffs, of any school roadways, parking areas and the vehicles parked in such areas. The interior of a student vehicle on school premises may be searched if the school authority had reasonable suspicion that the vehicle contains contraband, or evidence of violation of law and/or school district policy and regulation, including the student Code of Conduct.

Documentation of searches

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

- Name, age, and grade of student searched
- Reasons for the search
- Name of any informant(s)
- Purpose of search (that is, what item(s) were being sought)
- Type and scope of search
- Persons conducting searches and their titles and positions
- Witnesses, if any, to the search
- Time and location of search

- Results of search (that is, what items(s) were found)
- Disposition of items found
- Time, manner, and results of parental notification

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

Investigation of students suspected of possession or consumption of alcohol

All authorized district staff have the authority to investigate the suspected consumption or use of alcohol or illegal substances on school property or at a school function. Such investigations may include (but are not limited to):

- Searching student lockers, desks, and other storage spaces
- Searching student clothing
- Questioning students
- Conducting prescreening tests (e.g. examining coordination, mannerisms, speech) and
- Using hand-held breath-test devices

Police involvement in searches and investigations of students

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

- A search or an arrest warrant or other court order authorizing the student's removal; or
- Probable cause to believe a crime has been committed on school property or at a school function

Before police officials are permitted to question or search any student, the principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present

during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

XIII. Visitors to the Schools

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers, and other staff.

Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or the principal's designee is responsible for all persons in the building and on the grounds.

For these reasons, the following rules apply to visitors to the schools:

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

XIV. Discipline & Participation in After-School Activities

When a student's behavior results in a disciplinary action, they will be restricted from participating in after-school activities as outlined below:

Detentions: Students serving detentions (teacher or principal) may attend all activities without restriction.

Suspensions: (In-School and Out-of-School): students service suspensions are restricted from attending all events and practices on the day(s) covered by their suspension. A student whose suspension doesn't end until after the weekend will be restricted from attending all weekend events and practices.

Home-Bound Instruction: Students serving home-bound instruction are restricted from attending any events or practices for the duration of their placement.

Students participating in extra-curricular activities that compete or perform should refer to section XXIV regarding additional expectations and penalties that will be taken with regard to their participation.

XV. Public Conduct on School Property

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

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

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

Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy (including graffiti and arson) district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Display, distribute, or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Use language that is inappropriate for a school community.
6. Intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or age.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this Code of Conduct applies.
9. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
10. Possess, consume, sell, distribute, or exchange alcoholic products or beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code of Conduct.
16. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function.

Penalties

Persons who violate this Code of Conduct shall be subject to the following penalties:

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

Enforcement

The building principal/designee has the overall responsibility to ensure the Code of Conduct is enforced within the building. When the Code of Conduct is being violated, the prohibited conduct should be addressed and corrected.

If the person refuses to correct the prohibited conduct, the person should be warned of the consequences. If the person's conduct poses an immediate threat, the person should be removed from

school property or the school function. If necessary, local law enforcement will be contacted to assist in removing the person.

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

XVI. Dissemination and Review

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

1. Providing copies of a ~~stud~~ent version of the Code of Conduct to all students at the beginning of each school year.
2. Making copies of the Code of Conduct available to all parents/guardians at the beginning of the school year.
3. Posting a full copy of the Code of Conduct to the district website.
4. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption via BO POMJOF MJOL.

5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

6. Making copies of the Code of Conduct available for review by students, parents/guardians and other community members.

The District will sponsor a professional development program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the district's professional development plan, as needed.

XVII. Review of Code of Conduct

The Board of Education will review this Code of Conduct every year and update it as necessary. The Board may appoint an advisory committee to assist in reviewing the Code of Conduct and the district's response to Code of Conduct violations. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

The change in name and/or contact information of the Dignity Act Coordinators (DAC), building principals, or the individuals listed in the non-discrimination notice will not constitute a revision to the Code of Conduct so as to require a public hearing.

XVIII. Removals, Suspensions and Referrals

In the event a student is involved in a removal or suspension from school the following supportive referrals may be initiated:

Counseling

The counseling office/social worker/psychologist shall handle all referrals of students to counseling and will work with staff to refer families for support from social/human services, and outside agencies when necessary.

Person in Need of Supervision (PINS) petitions

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

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

Juvenile offenders

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

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
3. The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

XIX. Students with Disabilities

Students with Disabilities

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

1. A suspension means a suspension pursuant to Education Law §3214.
2. A removal means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
3. An IAES (Interim Alternative Educational Setting) means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

School personnel may order the suspension or removal from current educational placement as follows:

1. The board, the superintendent of schools, or a building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for

the same behavior.

2. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
3. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or school function.
5. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

Change of placement rule

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

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

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not associated with the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances.

Additional safeguards regarding the suspension or removal of students with disabilities

The district's Committee on Special Education (CSE) shall conduct a "manifestation determination" review of the relationship between the student's disability and the behavior subject to disciplinary action whenever:

1. A decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, or controlled substances;
2. Because maintaining the student in his current educational setting poses a risk of harm to the student or others; or
3. A decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under Individuals with Disabilities Education Act (IDEA) and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The superintendent, building principal, or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. A district is deemed to have knowledge that a student has a disability and therefore the student is presumed to have a disability if prior to the time that the behavior occurred:

1. A parent expressed concern that the child has a disability;
2. An evaluation to assess whether the student has a disability was requested; or
3. A teacher or other district personnel, expressed specific concerns that the student had a disability

A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability;
2. The parent of the student refused the services; or
3. The parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner's regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-dis-

abled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

If the behavior is found to be associated with a student's disability, the CSE shall conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review a behavioral intervention plan whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

The district shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

The parents/guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be separated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code of Conduct.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not associated with the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code of Conduct.

Expedited due process hearing

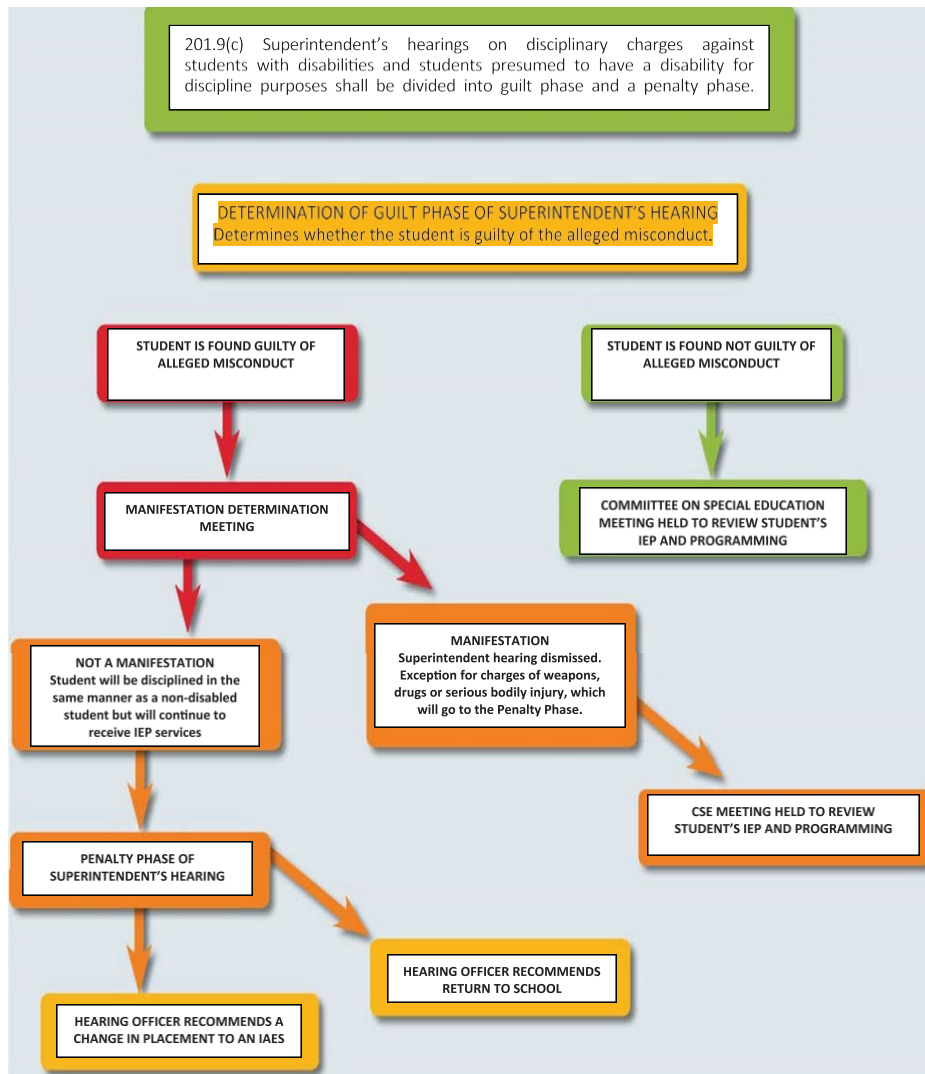
An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code of Conduct, if:

1. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
2. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the
3. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents/guardians within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the district agree otherwise.

- If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

THE GENERAL PROCEDURES FOR FORMAL HEARING OF STUDENTS WITH DISABILITIES OR A PRESUMED DISABILITY



99. Appendix A - Glossary of Definitions

Absence means failure to attend or appear at school

Academic dishonesty includes plagiarism; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member.

Arson means starting a fire or destruction of property as a result of starting a fire.

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

Bomb threat means the making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging.

Bullying See harassment or bullying

Change in placement If a child with a disability is suspended for more than 10 days, then a "change in placement" is said to have occurred. This 10-day limit does not have to be reached by a single suspension. If your child with a disability has been suspended multiple times, for similar conduct or similar lengths of time, then these suspensions may be added together and if greater than 10 days, could be equal to a change in placement.

Child pornography means sexually explicit images of children

Classroom distraction means behavior that is disruptive or disturbing the class

Controlled substance means a drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9328; 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234).

Cyberbullying shall mean harassment or bullying as defined below, where such harassment or bullying occurs through any form of electronic communication.

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

Dignity Act coordinator means an employee designated by the Board who ensures full compliance with the Dignity for All Students Act and also refers to designated Dignity Act Coordinators in every school who coordinate and manage all written documentation, processing, school actions and interventions involved in enforcing the Dignity for All Students Act.

Disability includes the use of actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, gender, gender identity sexual orientation or disability as a basis for treating another in a negative manner.

Discipline means a system of rules of conduct, training, practice, and instruction that supports and sustains positive behaviors and self-discipline. Student discipline and support policies and practices must be implemented in ways that are perceived to be fair, equitable, and differentiated. Students need different amounts of time, attention, tasks, interventions and supports to behave responsibly and achieve at high levels. Differentiated responses must occur within a larger framework of fair and equitable practices under which all students are treated fairly without favor toward or prejudice against any one group of students according to ability, talent, age, gender, developmental and acquired disabilities, race and ethnicity, socio-economic status, religious and spiritual orientation, national origin and home language, sexual orientation, and indigenous heritage.

Disruptive student means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or activity.

Distribution means transferring possession of alcohol, drugs or inhalants to another person with or without an exchange of money.

Electronic devices means technology and equipment such as cell phones, computers and tablets.

Emotional harm means in the context of harassment and bullying, harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Employee/school personnel 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 9-B of Article 5 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. Sec. 11(4) and 1125(3)).

Entering a class without permission means entering a class a student is not enrolled in or had been removed from for that class period.

Extortion means theft using coercion, which includes obtaining money or property from another student through coercion, intimidation or threat of physical harm.

Failure to clear security/bypassing security shall mean entry upon school property without submitting to the requisite security procedures and protocols.

False activation of a fire alarm means the activation of a fire alarm when there is no fire or emergency warranting such activation.

Fighting means displaying or engaging in violence, combat or aggression

Forgery means false and/or fraudulent making or altering of a document or the use of such a document.

Gang activities or acts that intentionally further gangs, or gang-related activities includes but is not limited to: tagging, or otherwise defacing school property with gang, or gang-related symbols or slogans; requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity; inciting other students to intimidate or to act with physical violence upon other person related to gang activity; and soliciting others to gang membership.

Gambling means participation in games of chance, including, but not limited to, card playing for money and/or other things of value.

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

Gender expression means the way in which we each we express gender identity to others through behavior, clothing, haircut, voice and other forms of presentation.

Gender identity means the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal, and is not necessarily visible to others.

Harassment or bullying means the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse, including cyber-bullying, that 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 wellbeing; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such acts of harassment and bullying include those that occur on school property; at a school function or off school property where such acts create 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. Harassing and bullying behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender and gender identity. Bullying is the repeated intentional acts done willfully, knowingly and with deliberation, by individuals or an individual that target and harm another person physically or emotionally. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students.

Hallway misbehavior means willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms. Hallway misbehavior includes, but is not limited to:

- Bringing in unauthorized pets or animals
- Shoving, horseplay, play-fighting
- Clustering in groups in ways that impede the movement of students from one place to another.
- Making unreasonable and excessive noise
- Obstructing vehicular traffic or pedestrian movement
- Running in hallways
- Running away when school staff member is asking a direct question or making a direct request to a student.
- Unauthorized presence in any prohibited school area.

Hazing is a specific form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student's willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- Humiliation: socially offensive, isolating or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol, or illegal/legal drugs.
- Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

The term "hazing", as used in this Code of Conduct, means any conduct or methods of initiation into any student organization, whether on public or private property, before, during or after school hours, which willfully or recklessly endangers the physical or mental health of any student. Consent of the victim of hazing shall not be available as a defense to any prosecution of hazing under this Code of Conduct. Whoever knows that another person is the victim of hazing and is at the scene of such a hazing shall, to the extent that the person can do so without danger or peril to himself/herself or others, report such activity to an appropriate official as soon as responsibly possible. Any person who knowingly and unreasonably fails to report hazing activity shall be guilty as an accomplice in such activity. Employees who fail to report an incident of hazing may be subject to disciplinary action.

Illegal behavior means any behavior that is considered a violation against municipal, state, or federal laws.

Illegal drug means a controlled substance which is illegal in certain situations (meaning a person is not allowed to have them). This does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

Inciting or participating in a disturbance means causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot.

Indecent exposure means a student who appears in a public place in such a manner that the private or intimate parts of their body are unclothed or exposed.

Inhalant means medicine or illegal drug that is breathed into the lungs through the mouth or nose. Students will only be penalized for possession of illegal drugs or medicine they are not legally authorized to possess.

Instigating means behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.

Interventions means specific programs, strategies, restorative conferencing protocols, skill-building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

Leaving the classroom without permission occurs when a student exits a classroom without the permission of the teacher or staff.

Leveled consequences and interventions Leveled consequences and interventions communicate an increasing sense of urgency and seriousness to the student and the parent by:

- increasing the degree of involvement and communication for the student and parent as consequences and interventions intensify,
- involving other teachers, student support team members, and/or administrators in behavioral conferences and contracts with student and parent,
- increasing the levels of adult supervision and monitoring of the student through daily check-ins, progress reports, and teacher feedback.

Leveled consequences and interventions move from teacher responses to behavior concerns to more intense and comprehensive interventions and consequences when a) the same behavior becomes chronic; or b) the intensity, frequency, or severity of cumulative behaviors and incidents continues to escalate or c) a single incident warrants Level 2 or Level 3 consequence.

Juvenile offender as defined by New York Criminal Procedure Law § 1.20 means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated

sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

Makeup work When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets.

Manifestation determination A manifestation determination is a meeting held to decide if there is a relationship between the student's disability and the behavior that is the subject of the disciplinary action. This meeting should be held immediately, but no longer than 10 days after a student with a disability has been suspended in a way that constitutes a change in placement. This meeting must take place within 10 days of the district's decision to suspend the child for 10 or more days, or for a period of time that otherwise constitutes a disciplinary change in placement.

Material incident of harassment, bullying and/or discrimination means a single verified incident or a series of 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, meets the definition "harassment and bullying" as defined above and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee. 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; provided that nothing in this definition shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sec. 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

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

Non-authorized or inappropriate use and misuse of school equipment, school materials and electronic devices,

- including:
- **Misuse of technology:** Any situations in which a student or students deliberately tamper with, damage, alter, access, crash, or corrupt the computer or communications system for a class, school or the District, resulting in the loss or corruption of information, or the ability of the system to operate, or in any way disrupts or degrades the school or District's technology infrastructure.
- **Computer misuse:** Any unauthorized or inappropriate use of computers, including the Internet, specific programs or hacking (i.e., sharing of obscene, pornographic- including transmission of child pornography, lewd or illegal images or photographs, unauthorized use of computers, software, or Internet/intranet accounts, accessing inappropriate web sites).
- **Non-authorized use and misuse of electronic and other devices:** This includes the non-authorized use of any of the following on school premises during the school hours of any school day: electronic communication devices, cellular phones, pocket pagers, laser pointers, personal music devices (Walkmans, MP3 players, etc.), electronic games and other materials designated by staff as disruptive or potentially disruptive. Misuse includes, but is not limited to, texting, sexting, blogging, verbal comments, graphic and symbolic communication, written communication via email, instant messaging, blogging, and posting in web sites. Students may not engage in electronic communication which demeans or ridicules on the bases of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or any other legally protected status (electronic bullying).

Non-compliance means failure to follow established and identified school policies and procedures, failure to follow the EJSFDtion of staff, and or failure to respond to staff.

Offensive touching means an intentional act taken against a student with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.

Parent means parent, guardian, or the person in a parental relationship to a student.

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

Physical aggression means behavior causing or threatening physical harm towards others, including but not limited to, hitting, kicking, biting, and shoving.

Physical contact means the act of touching physically.

Positive behavior means socially appropriate behavior (verbal and non-verbal) that does not interfere with the learning environment.

Positive Behavioral Interventions and Supports (PBIS) is a school-wide, three-leveled framework of universal expectations, shared language, and common policies and practices that support a safe, civil, disciplined, and orderly school climate and positive student behavior through the PROMOTION of social and emotional competence and habits of self-discipline and PREVENTION of inappropriate, unacceptable, and unskillful behaviors (Level 1); targeted INTERVENTIONS for students who meet specific criteria and conditions associated with specific interventions (Level 2); and more intensive and individualized INTERVENTIONS for students with high needs who are at greatest risk for healthy development and school success (Levels 3 and 4).

Public space misconduct Willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms. Public space misconduct can be classified as serious and includes, but is not limited to:

- Bringing in unauthorized pets or animals,
- Shoving, horseplay, play-fighting,
- Clustering in groups in ways that impede the movement of students from one place to another,
- Making unreasonable and excessive noise,
- Obstructing vehicular traffic or pedestrian movement,
- Unauthorized presence in any prohibited school area.

Race 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," "Biracial," "Hispanics/Latinos," etc. to describe and classify the inhabitants of the United States.

Repeatedly substantially disruptive means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to a student subject to a short-term suspension.

Reportable to police Certain offenses require police reports while reporting of others depends on whether the activity is considered criminal behavior. Police reports are required when an offense is illegal or causes injury to persons.

Robbery means obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon.

School bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, 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.

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

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

Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. Serious impairment of one's physical condition.

Serious public space misconduct See public space misconduct.

Sexual Offenses:

- Inappropriate Sexual Behavior includes, but is not limited to, physical touching of intimate body parts of another or oneself. Consensual acts of intimacy are not appropriate in an educational setting and are prohibited.
- Sexual Harassment means unwelcome sexual advances, requests for sexual favors, taking or sending sexually explicit videos, pictures or auditory recordings or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others. The sexual harassment offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.
- Sexual Assault means physical sexual act by force or threat of force against a staff member or another student, including inappropriate touching.
- Rape or Attempted Rape includes forced or attempted forced sexual contact without the consent of the victim.

Sex means the biological and physiological characteristics that define men and women (male and female denote "sex").

Sexual orientation The sex to which a person is sexually attracted.

Tardiness means arriving late to school or class.

Theft means taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use.

Threat means an actual declaration of an intention or determination to inflict injury or cause harm.

Threat against school personnel written or verbal means stating an intention to cause school personnel harm whether in

writing or verbally. Tone and perceived threats are not sufficient; the student must actually threaten harm or injury against the school personnel or the family of school personnel.

Tobacco violations means possession, use, sale or distribution of tobacco or tobacco products, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco.

Trespassing means being on school property without permission, including while suspended or expelled; includes breaking and entering.

Verbal aggression Shall include misleading or giving false information to school staff; confrontational and aggressive arguing; name-calling, insults, making inappropriate gestures, symbols, or comments; or using profane or offensive language,

Under the influence means altered physical and/or mental state after consuming alcohol, drugs or inhalants.

Unintentional means not intentional or deliberate; accidental.

Using or possessing means consuming alcohol, drugs or inhalants or in possession of these substances on school property or at school functions. school functions.

Violent or disruptive incident shall include, but is not limited to, the following categories of incidents that occur on school property of the school district: a) possession of a weapon, as defined below; b) use of a weapon; homicide; c) personal injury and/or intimidation; d) assault; e) criminal harassment.

Violent student means a student under the age of 21 who while on school property or at a school function:

- a. Commits an act of violence upon a school employee or attempts to do so;
- b. Commits, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so;
- c. Possesses a weapon;
- d. Displays what appears to be a weapon;
- e. Threatens to use a weapon or threatens physical harm;
- f. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;
- g. Knowingly and intentionally damages or destroys School District property; or
- h. Is otherwise defined under Education Law §3214 (available at www.nysed.gov).

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

XXI. Extra-Curricular Team Participants

Students understand that participation on an extra-curricular team is a privilege, not a right. As a member of a team, participants make a commitment to contribute to the success of the program and to abide by all requirements of participation. The student understands that he/she must keep priorities in mind with family and schoolwork coming before the extra-curricular activity. At the same time, the student must commit himself/herself to the team and, once he/she has started, continue to support the team throughout the season. If an individual quits a team, he or she will not be able to rejoin that team during that season.

This provision shall apply to any student group that performs or competes including, but not limited to all sports, Academic Challenge (Quiz Bowl), Odyssey of the Mind, Marching Band, Color guard, the Musical, Jazz Band, Senior Play, and the 7/8 Play.

This provision explicitly does not apply to student groups that do not perform or compete including, but not limited to: Art Club, Spanish Club, CROP, Yearbook, Student Government, SADD, Safety Patrol, Honor Society, and the GSA.

MCS Pride

The student understands that they represent Milford Central School and must conduct themselves in a manner that brings pride and respect to their community. The student understands that they are required to treat his/her teammates, advisor/coach, opponents, officials, and fans with respect at all times. Fighting or swearing at the advisor/coach, fan, player, or official during a competition will result in an immediate removal, at that time, from the remainder of the competition. A second violation will require a meeting with parents and administration and result in a minimum one-competition suspension. A third violation will result in permanent dismissal from the team. The student may request an administrative meeting to review any proposed suspension.

We must work together as a team without inner strife. If there are conflicts of any kind, the advisor/coach should be notified and the situation will be resolved at the discretion of the advisor/coach.

Damage to Equipment or Facilities

Any loss of or damage to equipment or facilities due to misuse or negligence will be paid for by that student. The student understands that he/she is responsible for all equipment issued to him/her and that he/she must return it at the end of the season or pay for its replacement. Theft of any type will result in immediate suspension from the team and the panel will determine the length of suspension.

Practices and Competitions

Each day is important, and the student must be present to keep up with the skills and information so as to not hinder the team. The student understands that all practices and competitions are mandatory unless he/she has an appointment or family commitment. The student will inform the advisor/coach personally that he/she will be absent prior to the practice unless unavoidable.

Unauthorized absences from practice will affect a student's participation in competitions. One unauthorized absence will result in the student not being able to participate in the next scheduled competition/performance that occurs within ten (10) days after the absence. Two unauthorized absences will result in the student not participating in the next two successive competitions/performance that occur within twenty (20) days after the absence. Missing three practices for unauthorized reasons will result in immediate suspension from the team. Failure to notify the advisor/coach of an authorized absence prior to a scheduled practice or competition/performance will result in discipline determined by the advisor/coach.

School Attendance

The student understands that he/she must follow all state, league, and school rules regarding eligibility and attendance. With the exception of extenuating circumstances, the student understands that he/she must be in school the whole day of the competition/performance and cannot be late or absent or he/she will not participate in the competition/performance. An absence on a no contest day will prohibit the student from practicing with the team. Repeated absences or tardiness on no contest days may result in disciplinary action by the advisor/coach. Legal absences are the exception.

Detention

A student who receives detention will serve their detention as directed. The student is responsible for telling the advisor/coach personally that they received detention. Students receiving detention may still participate in practices and competitions/performances; however, an advisor/coach has the discretion to impart additional consequences for students who receive multiple detentions during the season.

Suspensions (In-School and Out-of-School)

Students serving suspensions are restricted from attending all events and practices on the day(s) covered by their suspension. A student whose suspension doesn't end until after the weekend will be restricted from attending all weekend events and practices. Should the student's suspension not result in missing a competition/performance, the student will be excluded from the first competition/performance that occurs within ten (10) calendar days from the start of their suspension.

Examples:

- i. **Suspended Monday & Tuesday with no scheduled competitions/performances:** Student cannot attend practice either day. They will be excluded from the first competition/performance that occurs within 10 calendar days starting with Monday. If there are no scheduled competitions/performances within those 10 days, they have no further consequences.
- ii. **Suspended Friday & Monday with competitions/performances on the weekend:** Student cannot attend any events until Tuesday. As part of their days of suspension, the student has already been excluded from a competition/performance. They have no further consequences.

Students who receive three or more in- or out-of- school suspensions will no longer be eligible to participate on the team for that season.

Arrests

Any student arrested for illegal activity will be suspended from participation until the matter is resolved. If a student is convicted of a misdemeanor or felony, the student is suspended from participation in extra-curricular competitions for one full calendar year. In the event the arrest does not result in a misdemeanor or felony conviction, the student and their parent/guardians shall meet with the advisor/coach, the advisor/coach's immediate supervisor, and/or the Principal/Superintendent. The meeting shall be scheduled to facilitate the attendance of parents/guardians; their attendance is required. The suspension from participation shall continue until the meeting occurs. The Principal/Superintendent shall conduct the meeting and provide an opportunity for all parties to provide information regarding the alleged conduct. The Principal/Superintendent shall make the final determination if a violation has occurred. If it is determined a violation has occurred, the student is suspended from participating in extra-curricular competitions for one full calendar year.

Extra-Curricular Team Participants RULES Alcohol and Drug

It is clearly understood that the use of tobacco/vaping products, the consumption of alcoholic beverages and the use of illegal drugs is dangerous to the health and general maturation of the adolescent and negatively impacts the Extra-Curricular Team Participant ability to perform. Therefore, the Extra-Curricular Team Participant is not to possess/distribute, be in the presence of, or use alcohol, tobacco/vaping products, illegal drugs, or misuse prescription or nonprescription drugs/inhalants on or off school grounds.

First Offense

- ❖ The Extra-Curricular Team Participant will be suspended for five (5) contests/events or 30 calendar days, whichever is longer.
- ❖ The Extra-Curricular Team Participant will attend practices and/or athletic contests and/or events but may not dress or participate in any contests.
- ❖ The Extra-Curricular Team Participant will be required to participate in and complete a school approved counseling program.
- ❖ If the Extra-Curricular Team Participant has a leadership role, they shall lose that privilege for the remainder of the athletic season/event.
- ❖ The Extra-Curricular Team Participant will forfeit the right to earn any awards for that season and will be ineligible for any end-of-year awards (such as Athlete of the Year, Outstanding Athlete, etc.).
- ❖ At the end of the season, any student who is completing a disciplinary action as a result of violation of any rules shall serve the remainder of their penalty in the next subsequent extra-curricular activity.
- ❖ The School District reserves the right to call Local Law Enforcement agencies for all such violations.

Second Offense and Each Subsequent Offense

- ❖ The Extra-Curricular Team Participant will be suspended from participation in extra-curricular activities for one calendar year. They will not be permitted to participate in any activity.
- ❖ The Extra-Curricular Team Participant will forfeit any awards they may receive for that extra-curricular activity and will be ineligible for any end-of-year awards in that activity (such as Athlete of the Year, the Music Department Award, etc.).
- ❖ The Extra-Curricular Team Participant will be required to participate in an Otsego County counseling program before being reinstated. The School District reserves the right to call Local Law Enforcement agencies for all such violations.

Injuries - Applies to Athletes Only

The athlete understands that all injuries must be reported immediately to ensure proper evaluation and medical treatment if required. If medical treatment was required following the injury, the injured athlete must be released to play by their medical provider. The school reserves the right to require additional medical evaluation prior to the athlete returning to participation.

XXII. Conduct on School Buses

The Board of Education believes it crucial for students to behave appropriately while riding on district buses, both to ensure their safety and that of other passengers, as well as to ensure the least possible distractions for the bus driver.

Excessive noise, pushing, shoving and fighting will not be tolerated. It is also important that those waiting for buses conduct themselves properly in respect to the rights and property of others. Parents are reminded that bus transportation for students is a privilege which may be suspended due to misbehavior.

Behavioral Expectations for Students on School Buses

- i. Students must be ready when the bus arrives.
- ii. Students must conduct themselves in a manner that will not interfere with the safe operation of the bus, and subsequently, the safety and well-being of its passengers.
- iii. Students must always obey the instructions of the bus driver.
- iv. Students must pass in front of the bus. Students will cross at least 6 feet in front of the bus in full view of the driver, when motioned by the driver.
- v. Students will enter and leave a bus only when the bus is motionless.
- vi. Students will not extend part(s) of body out of school bus windows.
- vii. Students will ride the bus only for purposes of transportation to and from their homes or on authorized school trips.
- viii. Students will not eat on the bus.
- ix. Students will remain in their seats while the bus is in motion.