

**CODE OF CONDUCT***Table of Contents*

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## I. Introduction

The Board of Education (the Board) is committed to providing a safe and orderly school environment where students may receive, and District personnel may deliver quality educational services without disruption or interference. The Bethlehem Central School District (the District) is committed to:

1. ensuring each student is healthy, safe, engaged, supported, and challenged;
2. helping students develop self-discipline and social and emotional growth; and
3. guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other District personnel, parents and other visitors is expected, as it is essential to achieving this goal.

For this to happen, everyone in the school community must demonstrate and offer respect to others.

With the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property; identify the possible developmentally appropriate, graduated consequences of unacceptable conduct; and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this Code of Conduct (the Code), which is based upon education laws, regulations, and Board policies.

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

## II. Definitions: (For purposes of this Code, the following definitions apply)

- A. ***"Student"*** refers to a child enrolled as a K-12 registrant, in any of the District's academic programs.
- B. ***"Parent"*** means parent, guardian, or person in parental relation to a student.
- C. ***"Behavior"*** is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.
- D. ***"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 any property owned and operated by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

- E. **“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.
- F. **“School function”** means any school-sponsored extracurricular event or activity, on the campus or off school grounds.
- G. **“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- H. **“Discrimination”** means the prejudicial treatment of different categories of students. Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, or sex.
- I. **“Disruptive student”** means an elementary or secondary student under the age of twenty-one who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, or with the authority of other District employees.
- J. **“Emotional harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- K. **“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 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.
- L. **“Violent student”** means a student under the age of twenty-one who:
1. Commits an act of violence upon a school employee, or threatens to do so.
  2. Commits an act of violence upon another student or any other person on school property or at the school function, or threatens to do so.
  3. Possesses, or threatens to use, a weapon while on school property or at a school function.
  4. Displays what appears to be a weapon while on school property or at a school function.
  5. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function.
  6. Knowingly and intentionally damages or destroys school property.

- M. ***“Weapon”*** means a firearm as defined in 18 USC §921, for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.
- N. ***“Gender”*** means actual or perceived sex and shall include a person’s gender, gender identity, or gender expression.
- O. ***“Gender expression”*** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
- P. ***“Gender identity”*** is one’s self-conception as being male, female, neither, or both, as distinguished from actual biological sex or sex assigned at birth.
- Q. ***“Sexual orientation”*** means actual or perceived sexuality. The term refers to a person’s romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender-nonconforming people may have any sexual orientation.
- R. ***“Relationships”*** are the way in which two or more people regard and behave toward each other.
- S. ***“Respect”*** is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, and keeping one’s hands to one’s self and not violating others’ personal space.
- T. ***“Responsibility”*** is an obligation to behave in accordance with social norms and being held accountable for one’s actions.
- U. ***“Restorative practices”*** are processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing.
- V. ***“Harassment/bullying”*** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.

- W. “*Cyberbullying*” means harassment/bullying, as defined above, through any form of electronic communication. Cyberbullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others.
- X. “*Protective hairstyles*” includes, but is not limited to, such hairstyles as braids, locks, and twists.
- Y. “*Race*” includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

### III. Essential Partners

All members of our learning community — including students, staff, parents, and engaged service providers — have a responsibility to promote behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

Those responsibilities include, but are not limited to, the following:

- A. All parents are expected to:
  1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the District to optimize their children’s educational opportunities.
  2. Send their children to school ready to participate and learn.
  3. Ensure their children attend school regularly and on time.
  4. Ensure absences are excused.
  5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
  6. Inform school officials of changes in the home situation that may affect student conduct or performance.
  7. Help their children understand that rules are required to maintain a safe, orderly environment.
  8. Know school rules and help their children understand them so that their children can help create a safe, respectful, and supportive school environment.
  9. Convey to their children a supportive attitude toward education.
  10. Build positive, constructive relationships with teachers, other parents, and their children’s friends.
  11. Tell school officials about any concerns or complaints in a respectful and timely manner.
  12. Help their children deal effectively with peer pressure.
  13. Provide a place for study and ensure homework assignments are completed.
  14. Actively participate in conflict resolution through a restorative process.
- B. All District teachers and counselors are expected to:
  1. Maintain a climate of mutual respect and dignity for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex, which will strengthen students’ self-concept and promote confidence to learn.
  2. Be prepared to teach and/or work with students.
  3. Demonstrate interest in teaching and concern for student achievement.

4. Be familiar with the Code of Conduct.
  5. Know school policies and rules, and enforce them in a fair and consistent manner.
  6. Maintain confidentiality in conformity with federal and state law.
  7. Teachers shall communicate to students and parents:
    - i. Course objectives and requirements
    - ii. Marking/grading procedures
    - iii. Assignment deadlines
    - iv. Expectations for students
    - v. Classroom discipline plan
  8. Communicate regularly with students, parents, and other teachers concerning growth and achievement.
  9. Participate in school wide efforts to provide adequate supervision in all school spaces.
  10. 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.
  11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
  12. Actively participate in conflict resolution through a restorative process.
- C. All District counselors are also expected to:
- a. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
  - b. Initiate teacher/student/counselor conferences and parents/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
  - c. Regularly review with students their educational progress and career plans.
  - d. Provide information to assist students with career planning.
  - e. Encourage students to benefit from the curriculum and extracurricular programs.
  - f. Make known to students and families the resources in the community that are available to meet their needs.
  - g. Actively participate in conflict resolution through a restorative process.
- D. All other school personnel are expected to:
1. Maintain a climate of mutual respect and dignity for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
  2. Maintain confidentiality in accordance with federal and state law.
  3. Know school policies and rules, and enforce them in a fair and consistent manner.
  4. Be familiar with the Code of Conduct.
  5. Help students understand the District's expectations for maintaining a safe and orderly environment.
  6. Participate in school wide efforts to provide adequate supervision in all school spaces.
  7. 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.
  8. Address personal biases that may prevent equal treatment of all students.
  9. Actively participate in conflict resolution conflicts through a restorative process.
- E. All District principals/administrators are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
2. 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.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Be familiar with the Code of Conduct.
5. Maintain confidentiality in accordance with federal and state law.
6. Evaluate on a regular basis all instructional programs to ensure inclusion of civics education in the curriculum.
7. Support the development of, and student participation in, appropriate extracurricular activities.
8. Provide support in the development of the Code of Conduct, when called upon. Disseminate the Code of Conduct and antiharassment policies.
9. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
10. Participate in school wide efforts to provide adequate supervision in all school spaces.
11. 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.
12. Address personal biases that may prevent equal treatment of all students and staff.
13. Actively participate in conflict resolution through a restorative process.

F. The District's Dignity Act Coordinators are as follows:

- District-Wide  
Dr. David F. Hurst  
Deputy Superintendent  
700 Delaware Avenue  
Delmar, NY 12054  
Phone: (518)439-3102  
Email: [dhurst@bethlehemschools.org](mailto:dhurst@bethlehemschools.org)
- Bethlehem Central High School  
Nicole Conway  
Phone: (518) 439-4921
- Bethlehem Central Middle School  
Jacqueline Munroe  
Phone: (518) 439-7460
- Eagle Elementary School  
Dianna Reagan  
Phone: (518) 694-8825
- Elsmere Elementary School  
Kate Kloss  
Phone: (518) 439-4996

- Glenmont Elementary School  
Laura Heffernan  
Phone: (518) 463-1154
- Hamagrael Elementary School  
Ian Knox  
Phone: (518) 439-4905
- Slingerlands Elementary School  
Andrew Baker  
Phone: (518) 439-7681

The Dignity Act coordinator(s) are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Oversee and coordinate the work of the District-wide and building-level bullying prevention programs.
4. Identify curricular resources that support infusing mutual respect in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
5. Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.
6. Investigate and 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.
7. Notify the appropriate building principal and the district's Title IX Coordinator of any reports of sexual harassment made to the Dignity Act Coordinator(s) by individuals other than the building principal or Title IX Coordinator.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Receive training (a) which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex; (b) in the identification and mitigation of harassment, bullying and discrimination and (c) in strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

G. The Student Title IX Compliance Officer is as follows:

- Kathleen K. Johnston  
Director of Special Education & Student  
700 Delaware Ave.  
Delmar, NY 12054  
Phone: 518-439-8886  
Email: [kjohnston@bethlehemschools.org](mailto:kjohnston@bethlehemschools.org)

The Title IX Compliance Officer is expected to:

1. Coordinate the district's compliance with Title IX.



2. Coordinate responses to all formal complaints of sexual harassment in accordance with District Policy # 0120-P Title IX Formal Complaint Procedures.
  3. Review and respond to all reports regarding alleged sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Title IX Sexual Harassment under Policy # 0120).
  4. Receive annual training on:
    - a. the definition of sexual harassment;
    - b. the scope of the district's education program or activity;
    - c. how to conduct an investigation and grievance process including appeals and informal resolution processes;
    - d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
    - e. technology to be used at a live hearing;
    - f. issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
    - g. issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- H. The superintendent is expected to:
1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
  2. Inform the Board about educational trends relating to student discipline.
  3. Review with District administrators the policies of the Board and state and federal laws relating to school operations and management.
  4. Be familiar with the Code of Conduct.
  5. Know school policies and rules, and enforce them in a fair and consistent manner.
  6. Maintain confidentiality in accordance with federal and state law.
  7. Work to create instructional programs that minimize incidence of inappropriate behavior and are sensitive to student and teacher needs.
  8. Work with District administrators in encouraging a positive school climate, enforcing the Code of Conduct, and ensuring that all cases are resolved promptly and fairly.
  9. Participate in school wide efforts to provide adequate supervision in all school spaces.
  10. 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.
  11. Address personal biases that may prevent equal treatment of all students and staff.
  12. Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.
- I. Members of the Board are expected to:
1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
  2. Maintain confidentiality in accordance with federal and state law.
  3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.

4. Collaborate with student, teacher, administrator, parent organizations, school safety personnel, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions.
5. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner, as well as in accordance with any and all applicable laws and/or New York State Regulations.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any students, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Actively participate in conflict resolution through a restorative process.

#### **IV. Students' Rights and Responsibilities**

The District is committed to safeguarding the rights given to all students under federal and state law and District policy. In addition, to promote a safe, healthy, orderly, and supportive school environment, the District has established the following student rights and responsibilities.

##### **A. Student Rights**

1. Each student under the age of twenty-one has the right to take part in all District activities and education for which s/he is eligible regardless of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. To access school policies, regulations, and rules and, when necessary, receive an explanation of those rules and seek changes in District policies and regulations in an orderly fashion through discussions with the administrative staff.
5. In disciplinary matters, students will be afforded a due process hearing where they will have the right to present their version of relevant events to school personnel and to question and review any witnesses or evidence brought against them by the school administration before imposition of penalty.
6. Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over eighteen years of age have the right to inspect and review the student's educational records and have the right to request the amendment of the student's education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student's education record, except to the extent that FERPA authorizes disclosure without consent. More information regarding FERPA rights and procedures is available on the District website, in the Board of Education Policy 5500, and in back-to-school mailings. Note: The Board of Education policies may be reviewed online at <http://www.bethlehemschools.org/boe/policies/>.
7. As a rule, information received by teachers and other school officials is not privileged (except for provisions of FERPA), and may be revealed by the recipient of such knowledge whenever he or she feels that it is appropriate to do so. However, some communications made in connection with

drug or alcohol abuse prevention programs may be kept confidential. A student who is concerned about the confidentiality of communications made to staff members should ask the staff member in advance whether the information could be kept confidential.

8. To be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

#### B. Student Responsibilities

All District students have the responsibility to:

1. Be familiar with and abide by District policies, rules, and regulations dealing with student conduct.
2. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning. Show respect to other persons and to property.
3. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
4. Refrain from interfering with or threatening the education or rights of others.
5. Attend school every day unless they are excused and be in class on time and prepared to learn.
6. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
7. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
8. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
9. To be truthful when speaking with school officials.
10. Respect personal space.
11. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
12. Ask questions when they do not understand.
13. Seek help in solving problems that might lead to discipline.
14. Dress appropriately for school and school functions, as defined in the Student Dress Code (see Section IX of this Code).
15. Accept responsibility for their actions.
16. Conduct themselves appropriately as representatives of the District when participating in or attending school functions.

#### V. Prohibited Student Conduct

The Board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment, with the goal of making school a community free of violence, intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

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

The Board recognizes the need to make its expectations for student conduct while on school property or at a school function specific and clear. The rules of conduct that follow are intended to do that and focus on safety and respect for the rights and property of others. Students who do not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

**Students may be subject to disciplinary action when they:**

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
1. Running or otherwise unsafe behavior in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar, or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act that disrupts the normal operation of the school community.
  6. Trespassing
    - Entering any school office or school building, other than the one they regularly attend, without permission from the faculty member in charge.
    - Entering a building/facility after regular hours or using any facility for anything other than its intended purpose.
  7. Misusing computer/electronic communications, including any unauthorized use of computers, software or Internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use, Internet Safety, and Cloud Storage Guideline policies (see Policies #4526 through #4526.2).
- B. Engaging in conduct that is insubordinate and/or disruptive to student learning or teacher instruction. Examples of insubordinate and/or disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Arriving late for, missing, or leaving school without permission.
  3. Skipping detention.
  4. Inappropriate public sexual contact.
  5. Use of personal electronic devices in a manner that is in violation of District policy (see the District's Acceptable Use Policy #4526).
- C. Engage in conduct that is violent or threatening. Examples of violent or threatening conduct include, but are not limited to:
1. Threatening, attempting, or committing an act of violence (such as hitting, kicking, punching, spitting, and scratching) against a teacher, administrator, other school employee, or against another student or any other person on school property or at a school function.
  2. Possessing or threatening to use a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee, or any person.
  5. Intentionally damaging or destroying school property.

- D. Engage in any conduct that endangers the safety, morals, physical, or mental health or welfare of others, or interferes with the school environment. Examples of such conduct include, but are not limited to:
1. Lying to District personnel.
  2. Recklessly engaging in conduct that creates substantial risk of physical injury or endangering other students, school personnel, or any other person lawfully on school property or attending a school function.
  3. Stealing the property of other students, school personnel, or any other person on school property or while attending a school function.
  4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  5. Discrimination, which includes the use of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex as a basis for treating another in a negative manner, as defined in Policy # 0110 and 0110-R (for discrimination of employees) and Policy # 0115 and 0115-R (for discrimination of students).
  6. Harassment – as defined in Policy # 0110 and 0110-R (for harassment of employees) and Policy # 0115 and 0115-R (for harassment of students).
  7. Sexual Harassment, as defined in Policy # 0110 and 0110-R (for sexual harassment of employees) and Policy # 0115 and 0115-R (for sexual harassment of students).
  8. Title IX Sexual Harassment, as defined under Policy # 0120. NOTE, however, that no disciplinary penalties can be imposed on a student for alleged Title IX Sexual Harassment until a full investigation under Policy #0120 is completed, and a decision-maker has determined, by a preponderance of the evidence, that the student committed the Title IX Sexual Harassment.
  9. Bullying, as defined in Policy # 0115 and 0115-R.
  10. Cyberbullying, as defined in Policy # 0115 and 0115-R, is a form of harassment and bullying that is unacceptable and inappropriate.
  11. Sexting, which is the sending of sexually explicit digital images, videos, text messages, or emails by electronic means, is a form of harassment and bullying that is unacceptable and inappropriate on school grounds or at school-sponsored events or functions, using either school or personal technology. Sexting incidents should be reported on the Violent and Disruptive Incident Reports (VADIR) in either intimidation, harassment, menacing or bullying (IHMB category 10) or other disruptive incidents (category 20), provided these reporting thresholds are met: the incident is violent/disruptive; it occurred on school property/school sponsored events; and it merits or could merit disciplinary actions.
  12. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  13. Cyberthreat, which is online material that threatens or raises concerns about violence to others, or to one's self, through direct threats or distressing material. Direct threats are actual threats to hurt another person. Distressing material is online material that provides clues indicating that the person is emotionally upset, and that the person is contemplating hurting another person, one's self or committing suicide.
  14. Other inappropriate acts using technology.
  15. Physically detaining or restraining any other person.
  16. Selling, using, or possessing obscene material on school property.
  17. Using vulgar or abusive language, cursing, or swearing on school property.
  18. Smoking a cigarette, e-cigarette (including, but not limited to, a vape or juul), cigar, pipe, using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis

- (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation) on school property.
19. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, opioids, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
  20. Inappropriately possessing, consuming, selling, distributing, or exchanging prescription and over-the-counter drugs.
  21. Gambling.
  22. Indecent exposure, which is exposure to sight of the private parts of the body in a lewd or indecent manner.
  23. Initiating a report warning of fire, bomb threat, or other catastrophe without valid cause; misuse of 911; or discharging a fire extinguisher.
- E. Engaging in misconduct while on a school bus. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.
- F. Engaging in any form of academic misconduct.
- G. Engaging in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt, the education process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  2. Threatening or harassing students or school personnel over the phone or other electronic medium.
  3. Cyberthreats.

## VI. Academic Integrity

- A. Definitions:
1. Academic integrity governs the way in which a student writes, performs research, and fulfills the responsibilities of learning in a positive and constructive manner at the District. It is founded on the principles of respect for knowledge, truth, scholarship, and acting with honesty. These principles and values are the foundation of learning. The purpose of this section of the Code of Conduct is to outline the District’s expectations regarding academic integrity.
  2. Academic dishonesty/misconduct includes, but is not limited to: cheating, fabrication, plagiarism, altering records, copying, and facilitating dishonesty. Appropriate sanctions may be imposed on any student who has committed an act of academic dishonesty.
    - a. Academic dishonesty is the attempt to secure an unfair advantage for oneself or another in any academic exercise.
- B. The following is an extensive, though not exhaustive, list of actions that are considered to be academically dishonest.
1. Cheating is the use or attempted use of deception, fraud, and/or misrepresentation of one’s academic work.
  2. Fabrication is the falsification or invention of any information or citation in any academic exercise.
  3. Plagiarism is the intentional or negligibly representation of the words or ideas of another as one’s own work in any academic exercise. This includes, but is not limited to:

- a. failing to properly identify direct quotations by quotation marks or appropriate indentation and formal citation;
  - b. failing to acknowledge and properly cite paraphrasing or summarizing material from another source;
  - c. failing to acknowledge and properly cite information obtained from the Internet or other electronic media as well as other sources;
  - d. submitting research papers written by another, including those obtained from commercial term paper companies or the Internet;
4. Facilitating dishonesty is knowingly helping or attempting to help another commit any act of academic dishonesty.
  5. Other prohibited actions:
    - a. submitting all or substantial portions of the same work to fulfill the requirements for more than one course without the prior permission of the instructor(s);
    - b. plagiarizing, forging, or otherwise altering grades, transcripts, course withdrawal forms, or other academic documents;
    - c. submitting all or substantial portions of work in the subject area of World Languages that utilized an online translator;
    - d. illegally accessing a computer drive, network folder, etc.;
    - e. stealing or destroying the academic work of another, either hard copy or electronic/digital copy, external storage drive, research paper, or notebook.
- C. Consequences and Sanction for Violations of Academic Integrity
1. A student implicated in any of the above will be required to redo the assignment for partial credit. A school administrator will notify the parents, and the student will be placed on formal academic probation for one year. A second incident of any of the above will result in a note being placed in the student's academic file.
  2. If teachers or staff members observe any form of cheating for any reason during a quiz, test, or exam, they will immediately pick up the test. No student may leave the examination room prior to the stated exam release time. Violation of these or any other testing procedures or rules announced by the proctor at the start of the examination will result in no grade on the exam and a parent meeting. Appeals must be made through the school principal.

## VII. Standards for Student Conduct

### A. Attendance

1. Regular attendance and punctuality are expected of students from the first day of school. Children should understand that regular school attendance is essential to their educational development and well-being. With some exceptions, every child enrolled in school is expected to be present. State law specifies that certain legal absences are permitted, of which personal illness is most common.
2. Absences, tardiness, and early departures (ATED) from class or school are excused if they are due to personal illness or injury; illness or death in the family; impassable roads or weather; religious observance; military obligations; required court appearance; AP examinations; attendance at BOCES program or cooperative work programs; approved college visits; quarantine; or medical appointments. All other ATEDs are considered unexcused absences.
3. All ATEDs must be accounted for. It is the parent's responsibility to notify the school office on the day of the ATED and to provide a written excuse upon the student's return to school.
4. Upon returning to school after an absence, each student must present to his/her homeroom teacher a written excuse that includes the date of excuse or dates of absence, reason for absence,

and parents signature. The school must have this information in order to comply with legal requirements. Parents) should not write one excuse to cover more than one child.

5. Unexcused ATEDs will result in disciplinary action consistent with the Code of Conduct. Students may also be denied the privilege of participating in or attending extracurricular events. In addition, the building principal or designee will contact the student's parents and the student's school counselor. The building principal shall remind the parents of the attendance policy, explain the ramifications of unexcused ATEDs, stress the importance of class attendance, and discuss appropriate intervention strategies to correct the situation. Please refer to the District's attendance policy for further clarifications based on grade-level expectations and consequence.
6. In grades 9-12, students may lose the opportunity to take further exams and quizzes in a course if the total number of unexcused absences in that course exceeds thirty for a full-year course, and fifteen for a semester course.

#### B. Student Inquiry and Expression

1. Students are entitled to express their personal opinions verbally or in writing or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves, or disrupt the educational process. Libel, slander, the use of obscenity, and comments that disparage an individual's real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex are prohibited.
2. All persons are prohibited from distributing any printed or written materials on school property or in the immediate vicinity without the prior permission of the building principal. To obtain such permission, the person wishing to distribute the material shall provide a copy to the building principal with a written request that the building principal give permission for its distribution. This written request shall contain a brief statement of when, where, and how the material is to be distributed.
3. Student publications, whether or not they are officially recognized, should observe the normal rules of responsible journalism and must comply with the standards under section VII-B-1. Within these limits, students are free to report the news and to editorialize. Student publications should reflect the policy and judgment of the student editors. The District has no responsibility to assist in the production of student publications, other than those that have been officially recognized. Students may be held responsible for libelous or obscene materials contained in student publications. Student publications may be distributed only after permission is granted pursuant to number 2 above.

#### C. Search and Seizure

1. Student lockers and desks are purchased and maintained by the District and remain the property of the District. However, the District is not responsible for books, clothing, or valuables left in lockers or in desks. A student shall not place, keep, or maintain in a school-owned locker or desk any article or material of a nonschool nature that may cause or tend to cause the disruption of the lawful mission of the school.
2. The following rules shall apply to the search of any student, student property, or school property and the seizure of any illegal items found therein.
  - District officials have the right and responsibility to search student lockers and/or desks at any time.
  - In addition, the Board authorizes the superintendent, building principals, and their designees to conduct searches of students, their belongings, and their automobiles that are parked on the school campus 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 Code of Conduct.

- Items that are prohibited on school property or are used to disrupt or interfere with the educational process may be removed from student lockers, desks, and/or automobile or other personal property by school authorities.
- District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:
  - i. A search or arrest warrant; or
  - ii. Probable cause to believe a crime has been committed on school property or at a school function.

The principal or designee will be present during any police questioning or search of a student on school property or at a school function.

Before police officials are permitted to question or search any student, the principal or their designee shall first try to notify the student's parent in order to give the parents 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 sixteen years of age or older. The principal or their 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.

### **VIII. Computer and Internet Acceptable Use**

- A. Bethlehem Central School District provides students with access to District computers and to the Internet. Students' use of computers and access to the Internet while at school are privileges and are intended to be for educational purposes only.
- B. All parents and students are required to review the District's Technology User Agreement and Parent Permission Form.
- C. Failure to comply with the regulations may result in disciplinary action.
- D. The District's Technology User Agreement and Parent Permission Form is for educational use, and the District's regulations are not necessarily all-inclusive due to this rapidly changing field. The Technology User Agreement and Parent Permission Form references the following policies, which can be found on the Bethlehem Central website: Acceptable Use (4526/4526-R), Internet Safety (4526.1/4526.1-R), Code of Conduct (5300), and Harassment, Discrimination, Hazing, and Bullying (0115).

## IX. Student Dress Code

- A. All students are expected to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.
- B. Teachers and all other District personnel should exemplify professional and appropriate attire, reinforce acceptable student dress, and help students develop an understanding of appropriate appearance in the school setting. School staff shall enforce the dress code consistently and in a manner that does not reinforce marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.
- C. All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming. All students and staff should understand that they are responsible for managing their own personal “distractions” without regulating individual students’ clothing/self-expression.
- D. Student attire shall not interfere with health or safety, contribute to a hostile or intimidating atmosphere for any student, or substantially disrupt or materially interfere with the educational process.
- E. A student’s attire shall:
  - 1. Fully cover genitals, buttocks, breasts, and nipples with opaque fabric. Include a shirt (with fabric in the front, back, and on the sides under the arms) and pants/jeans or the equivalent (e.g., a skirt, sweatpants, leggings, shorts, dress).
  - 2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- F. A student’s attire shall not include:
  - 1. Hats/headgear inside the school during the school day, except for a medical or religious purpose, or for approved activities.
  - 2. Swimsuits (except as required in class or athletic practice).
  - 3. Accessories that could be considered dangerous or could be used as a weapon.
  - 4. Items that are vulgar, obscene, or libelous or that denigrate, harass or discriminate against others on account of real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, economic status, disability, sexual orientation, gender, gender identity, gender expression, or sex in an expressed or implied manner.
  - 5. Images or language that promote or endorse the use of alcohol, tobacco, marijuana, controlled substances, or illegal drugs or encourage other illegal or violent activities.
  - 6. Items that denote or represent gang affiliation such as bandanas, beads, jewelry, or other indicators and/or symbols intended expressly so.
- G. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.
- H. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day.

- I. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including suspension.
- J. Each building principal or designee shall be responsible for informing all teachers, staff, students, and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

BCSD celebrates students' differences and individuality and encourages students to wear the clothing and styles they deem most reflective of their true selves, provided it does not violate this dress code. Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

#### **X. Prohibition of Gangs, Gang Activity, and Fraternities/Sororities**

- A. No student shall commit any act that furthers exclusionary groups such as fraternities/sororities, gangs, or gang-related activities.
- B. Conduct prohibited by this policy includes:
  1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, or symbols, signs, or other items that may be evidence of membership or affiliation in any gang or fraternity/sorority.
  2. Communicating either verbally or nonverbally (gestures, slogans, drawing, etc.) to convey membership or affiliation in a gang or fraternity/sorority.
  3. Tagging or otherwise defacing school property with fraternity/sorority, gang, or gang-related symbols or slogans.
  4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to fraternity/sorority or gang activity.
  5. Inciting other students to intimidate or to act with physical violence upon other person related to fraternity/sorority or gang activity.
  6. Soliciting others to fraternity/sorority or gang membership.
  7. Committing any other illegal act or other violation of school policies that relates to fraternity/sorority or gang activity.

#### **XI. Transportation Code**

- A. The safety of all students is our primary concern. All school buses are "school property" and are subject to all rules set forth in the District Code of Conduct. Each student has an individual responsibility to help ensure the safety of all students on the bus by following the rules. Coming to school, going home, and riding buses for extracurricular events or field trips, a student is expected to listen to and obey all instructions from transportation personnel.
- B. Examples of bus misconduct include, but are not limited to:
  1. Bringing prohibited items onto a school bus. Prohibited items include, but are not limited to, skateboards, animals, flammable materials of any kind, medications that contain controlled substances except in compliance with District procedures and SED requirements for students who are authorized to carry and self-administer a lawfully prescribed medication, and weapons of any kind.

2. Making threatening gestures and/or comments.
3. Disregarding the instructions of the bus driver.
4. Swearing or using inappropriate language.
5. Eating, drinking, or smoking on a school bus.
6. Damaging or vandalizing any part of a school bus.
7. Fighting, pushing, or shoving.
8. Standing while the bus is moving.
9. Failing to keep head, hands, feet, and other objects inside the bus at all times.
10. Use of flash photography

## **XII. Athletic Code**

Participation in interscholastic athletics at Bethlehem Central is a privilege. This participation should elicit great pride among all school community members. Part of the responsibility that goes with the participation in school sports is the need to maintain satisfactory standards of behavior. Each student-athlete receives an Interscholastic Athletic Handbook, which clearly defines the standards for student athlete behavior. It is the responsibility of student athlete and their parents to be familiar with the contents of this handbook.

Before a student is permitted to participate on an athletic team, both the student and their parents must sign an Interscholastic Athletics Participation form and return it to either the athletic director or the school nurse. The signatures of both the student athlete and the parents indicate that each person agrees to respect and abide by these rules and behavior expectations in order to participate in interscholastic athletics at Bethlehem Central. This form is included in the handbook and may be obtained from a coach or the athletic director.

Student athletes will be disciplined by District administrators for infractions using the guidelines set forth in the Interscholastic Athletic Handbook and this Code of Conduct.

## **XIII. Procedures for Addressing Student Misconduct and Violations of the Code of Conduct**

- A. Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that students view as fair and impartial.
- B. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:
  1. The student's age.
  2. The nature of the offense and the circumstances that led to the offense.
  3. The student's prior disciplinary record.
  4. The appropriateness of other forms of discipline.
  5. Information from parents, teachers, staff, and/or others, as appropriate.
  6. Other extenuating circumstances.
- C. As a rule, discipline will be progressive, meaning that a student's first violation will usually merit a lighter penalty than subsequent violations. However, school personnel may impose a more severe penalty for a first violation depending on the specific facts and circumstances of the incident.
- D. The District will follow a progressive model of student discipline to respond to acts of discrimination, harassment, bullying, and hazing that includes measured, balanced and

age-appropriate remedies and procedures that make appropriate use of prevention, intervention discipline, and education, and considers among other things:

1. the nature and severity of the student's behavior(s),
2. the developmental age of the student,
3. the student's history of behaviors in violation of the code of conduct and other extenuating circumstances, and
4. the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed.

- E. All District personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner.
- F. If suspension or other significant disciplinary consequences are warranted, the parents will be notified by telephone, followed by a letter mailed on the 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 if it constituted a crime. The building principal or their designee will consult with the appropriate local law enforcement agency regarding violations that constitute a crime.
- G. If the conduct of a student is related to a disability or suspected disability, the students shall be referred to the Committee on Special Education, when required by law. Discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to their disability, except to the extent permitted by law.
- H. Any weapon, alcohol, or illegal substance found will be confiscated immediately, if possible, followed by notification to the parents of the student involved. Appropriate disciplinary sanction may be imposed, if warranted, which may include permanent suspension and referral for prosecution.
- I. Reporting Violations
1. All students are expected to report promptly violations of the Code of Conduct to any staff member or administrator.
  2. Any student observing another student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to any staff member or administrator.
  3. District personnel who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct other than sexual harassment, harassment, cyberbullying, or hazing to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.
  4. District personnel should report any suspected incidents of discrimination, harassment, bullying, and hazing in accordance with Policy # 0110 and 0110-R (for employee victims), Policy # 0115 and 0115-R (for student victims), and Policy # 0120 (for Title IX Sexual Harassment).
- J. Removal of a Disruptive Student from the Classroom
- A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom (see "Disruptive student" in the definitions at the beginning of this Code). A substantial disruption of the educational process or substantial interference with a teacher's

authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions.

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social, and emotional behavior.

In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom, in order to give the student an opportunity to regain his or her composure and self-control in an alternative setting.

- K. Classroom management practices may include, but are not limited to:
1. Placing a student in short-term "time-out" in an elementary classroom or in a school administrator's office;
  2. Sending a student into the hallway briefly;
  3. Sending a student to the building principal's office for the remainder of the class time only; or
  4. Sending a student to a school counselor or other District staff member for counseling.
- L. A removal of a student from class at the elementary and secondary levels will be for up to two days. A teacher only has the authority to remove a student from the teacher's own class.
- M. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after providing an explanation may a teacher remove a student from class.
- N. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within twenty-four hours. (If the twenty-four-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)
- O. The teacher must complete a disciplinary removal form and meet with the building principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the building principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.
- P. Within twenty-four hours after the student's removal, the building principal or designee must notify the student's parents, in writing, that the student has been removed from the class and why. The notice must also inform the parents that they and the student have the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal. (If the twenty-four-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)
- Q. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice at the last known address(es) for the parent(s)/guardian(s) within twenty-four hours of the student's removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for

the purpose of contacting the parents. (If the twenty-four-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)

- R. The informal meeting, if requested by the parent(s)/guardian(s), must be held within forty-eight hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent(s)/guardian(s) and building principal. The building principal will require the teacher who ordered the removal to attend the informal conference. If the student denies the charges at the informal meeting, the building principal or the assistant principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of relevant events.
- S. The building principal or the assistant principal, if designated by the building principal, may overturn the removal of the student from class if the building principal finds any of the following:
  - 1. The charges against the student are not supported by substantial evidence.
  - 2. The student's removal is in violation of law, including the Code of Conduct.
- T. If the conduct warrants suspension from school pursuant to Education Law Section 3214, then a suspension will be imposed by the superintendent.
- U. The building principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the forty-eight-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the building principal makes a final determination or the period of removal expires, whichever is less.
- V. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until they are permitted to return to the classroom.
- W. Each teacher must keep a complete log (on a District-established form) for all cases of removal of students from their class. The building principal must keep a log of all removals of students from class.
- X. 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 their class until they have verified with the building principal that the removal will not violate the student's rights under state or federal law or regulation.

#### **XIV. Consequences**

Understanding discipline as a "teachable moment" is fundamental as to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the Board encourages restorative justice practices to be employed where appropriate, including conflict resolution, restitution to those harmed; and group, classroom, community, and re-entry circles to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

As a rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, District staff are empowered to utilize the

consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Level I: Any misbehavior that represents an infraction of the established procedures that regulate the operation of the school and its educational process is considered a Level I infraction.

1. Examples of Level I Infractions

- Dress code violations;
- Failure to complete homework/coursework;
- Unprepared for physical education;
- Inappropriate behavior in school, including on the bus and during lunch, recess, school assemblies, and other school-sponsored events or activities;
- Swearing/inappropriate language;
- Use of unapproved electronic devices (those with no educational purpose) such as radios, cell phones, video games, or laser pointers;
- Buying/selling items without prior approval of a District official;
- Abuse of student privileges;
- Minor class disruptions;
- Failure of a student leader (such as, but not limited to, safety patrol, student government representative, athletic team leaders, class officer) to exemplify positive student behavior;
- Tardiness;
- Class cutting/leaving class without permission;
- Unexcused absence/truancy;
- Cheating/plagiarism;
- Insubordination.

2. Level I Consequences: The building principal or their designee may choose one or more of the following consequences and are not limited from using more severe consequences.

- Loss of privileges (such as, but not limited to, parking, participation in student activities and events);
- Counseling;
- Detention;
- Parents contact/conference;
- Verbal reprimand;
- Confiscation of electronic devices;
- Removal, replacement, or covering of item that violates the dress code;
- Loss of student leadership position;
- Internal School Suspension;
- Restricted study hall.

B. Level II: Any misbehavior whose frequency and/or seriousness disrupts the educational process or poses a threat to the health and safety of others is considered a Level II infraction. These infractions may be reported to the NYS Education Department as violent and disruptive incidents.

1. Examples of Level II Infractions



- Recurring or serious Level I infractions;
  - Harassing/bullying/cyberbullying and cyberthreats/menacing;
  - Physically aggressive behavior;
  - Cutting detention;
  - Physical altercation;
  - Inappropriate use of computer or Internet access;
  - Vandalism totaling less than \$100;
  - Possession, use, sale, or distribution of tobacco products, an illegal substance, or alcohol;
  - Gambling.
2. Level II Consequences: The building principal or their designee may choose one or more of the following consequences and are not limited from using more severe consequences.
- Continuation of Level I consequences;
  - In-school suspension;
  - Removal from class;
  - Off-Campus Intervention Program;
  - External suspension;
  - Suspension from transportation;
  - Loss of computer or Internet privileges;
  - Restitution;
  - Principal's hearing;
  - Filing of a Person in Need of Supervision (PINS) Petition.
- C. Level III: Any misbehavior that poses an immediate threat to the health and safety of self or others in school and may require police intervention is considered a Level III infraction. These infractions are reported to the NYS Education Department as violent and disruptive incidents.
1. Examples of Level III Infractions
- Recurring or serious Level I or II infractions;
  - Assault resulting in physical injury/serious physical injury;
  - Vandalism totaling more than \$100;
  - Possession, use, or threatened use of a weapon;
  - Possession, use, sale, or distribution of illegal drugs or unauthorized prescription drugs;
  - Burglary;
  - Arson;
  - Bomb threat/false fire alarm/false 911 call;
  - Homicide;
  - Sexual Harassment under Policy # 0110 and 0110-R and 0115 ad 0115-R;
  - Sexual offenses (forcible and other);
  - Title IX Sexual Harassment, under Policy # 0120;
  - Robbery;
  - Kidnapping;
  - Reckless endangerment;
  - Larceny;
  - Rioting;
  - Possession of fireworks;
  - Extortion;
  - Hazing;
  - Trespassing.

2. Level III Consequence: The building principal or their designee may choose one or more of the following consequences and are not limited from using more severe consequences.
  - Continuation of Level I or II consequences;
  - External suspension;
  - Superintendent's hearing;
  - Exclusion from school.

#### D. Guidelines for Student Suspensions

1. Suspensions will be used to the minimum degree necessary to improve student behavior and maximize student attendance. Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others or are repeatedly and substantially disruptive or for whom restorative practices have not been effective.
2. The Board retains the authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals. The superintendent, principals, or their designees are assigned the responsibility to follow the procedures appropriate for student suspension as follows:
  - Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation, and disposition.
  - Utilize support personnel to find ways of helping the student and/or parents to solve the problem (teachers, guidance, psychologists, social worker, attendance officer, etc.).
  - Utilize school and community agencies that might prove helpful.
  - Record all attempts to deal with problems, including conferences with parents, teacher observations, and a record of referrals to other personnel and agencies and their reports.
  - When the building principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to themselves or other students, or that the student is "violent and/or disruptive" as defined in accordance with law and the Commissioner's Regulations, the matter should also be referred to the superintendent.
  - Teachers are required to immediately report and refer violent students to the building principal or superintendent for a violation of the Code of Conduct and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.
  - A "disruptive student" is defined in Education Law as "an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom."
  - As further enumerated in the Commissioner's Regulations, the definition of "disruptive student" shall mean engaging in conduct that results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the Code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester, as applicable.
  - Pursuant to the Code of Conduct, a minimum suspension period shall be established for students who repeatedly are "disruptive." However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.
  - When a student is removed from class by a teacher or has been suspended and is of compulsory attendance age, or if above compulsory attendance age, the District will strive to provide alternative instruction whenever possible. Immediate steps shall be taken to provide alternative instruction that is of an equivalent nature to that provided in the

student's regularly scheduled classes. "Immediate" does not mean instantaneously, but it does mean that the school administrator should act promptly, with due regard for the nature and circumstances of the particular case.

- Students who participate in restorative practices ending in a restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the District.

### 3. Suspension: Five School Days or Less

Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

- Any student who is found to have committed a violent act, or threatens to do so (see "Violent student" in the definitions at the beginning of this Code), other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.
- Any student found guilty of bringing a weapon onto school property may be subject to suspension from school for up to one calendar year.
- The superintendent has the authority to modify this penalty. The superintendent may consider the following:
  - i. The student's age;
  - ii. The student's grade in school;
  - iii. The student's prior disciplinary record;
  - iv. The superintendent's belief that other forms of discipline may be more effective;
  - v. Input from parents, teachers, and/or others;
  - vi. Other extenuating circumstances.
- Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school.

For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester.

- The student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.
- 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.

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a superintendent's hearing given to all students subject to a long-term suspension.

- When a student may be suspended from school for a period of five school days or less, the suspending authority shall immediately provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the proposed suspension.
  - i. Administration shall also immediately notify the parents in writing that the student may be suspended from school.

- ii. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four hours of the decision to propose suspension at the last known address(es) of the parents in parental relation.
- iii. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- iv. Such notice shall provide a description of the charges for which suspension is proposed and shall inform the student and the parents of their right to request an immediate informal conference with the building principal that will include the right of the student to confront complaining witnesses in accordance with the provisions of Education Law §3214(3)(b).
- v. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents. 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.
- vi. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal hearing shall take place as soon after the suspension as is reasonably practicable.
- vii. After the hearing, the principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances preventing them from doing so.
- viii. The superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board via the District clerk within ten business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.
- ix. Only the final decision of the Board may be appealed to the NYS Commissioner of Education within thirty days of the decision. Written appeals must be addressed/delivered to:

President, Board of Education  
Bethlehem Central School District  
District Offices  
700 Delaware Avenue  
Delmar, New York 12054

4. Suspension: More than five school days

- When the superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents 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 the witnesses against them, and the right to present witnesses and other evidence on their behalf.
- The superintendent shall personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them.

- A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record.
- The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.
- An appeal of the decision of the superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within ten business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt, in whole or part, the decision of the superintendent. Final decisions of the Board may be appealed to the NYS Education Commissioner within thirty days of the decision.
- Where the basis for a suspension is, in whole or in part, the possession on school grounds or school property by the student of any weapons (see Definitions at the beginning of this Code), the hearing officer or the superintendent shall not be barred from considering the admissibility of such weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument, or appliance was the result of an unlawful search or seizure.
- When a student is removed from class by a teacher or has been suspended and is of compulsory attendance age, or if above compulsory attendance age, the District will strive to provide alternative instruction whenever possible. Immediate steps shall be taken to provide alternative instruction that is of an equivalent nature to that provided in the student's regularly scheduled classes. "Immediate" does not mean instantaneously, but it does mean that the school administrator should act promptly, with due regard for the nature and circumstances of the particular case.
- In the case of a potential long-term suspension and/or disciplinary change in educational placement of a student classified as having a disability or a student presumed to have a disability for discipline purposes, as defined pursuant to law and regulation, a referral to the District Committee on Special Education will be made to determine if the behavior giving rise to the suspension is directly related to the disability. Suspension and/or disciplinary change in educational placement of students with disabilities and students presumed to have a disability for discipline purposes shall be in accordance with federal and state law and due process requirements.

#### 5. Referral to Juvenile Justice System

PINS Petitions: The District may file a PINS (Person in Need of Supervision) petition in Family Court on any student under the age of eighteen who demonstrates that they require supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
- Being ungovernable, or habitually disobedient and beyond the lawful control of the school.
- Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or
- Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

When filing the petition, the District must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

- Juvenile Delinquents and Juvenile Offenders: the superintendent or designee is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the Family Court:
  - i. Any student under the age of sixteen who is found to have brought a weapon to school; or
  - ii. Any student fourteen or fifteen years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
  - iii. The superintendent or designee is required to refer students age sixteen and older or any student fourteen or fifteen years old who qualify for juvenile offender status to the appropriate law enforcement authorities.

## **XV. Discipline of Students with Disabilities**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative justice practices will be considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### **A. Definitions**

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. Controlled substance means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

3. Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. 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 cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. Illegal drug means a controlled substance, but 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.
5. Interim alternative educational setting (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. Manifestation review means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. Manifestation team means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. Removal means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. School day means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. Student presumed to have a disability for discipline purposes means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. Suspension means a suspension pursuant to §3214 of New York's Education Law.
13. Weapon means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

B. Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

#### Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The



penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

#### C. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### D. Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### E. Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### F. Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### G. Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective

individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

#### H. Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or

3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### I. Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

#### J. Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XVI. Prohibition of Corporal Punishment**

No teacher, administrator, officer, employee, or agent of a school district in this state shall use corporal punishment against a student. As used in this section, corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided in the next subsection. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

- A. to protect oneself from physical injury;
- B. to protect another student, staff member, or any person from physical injury;
- C. to protect the property of the school or others; or
- D. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of District functions, powers, and duties if that student has refused to comply with a request to refrain from further disruptive acts.

## **XVII. Visitors to the Schools**

The building principal or 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:

- A. Anyone who is not a regular staff member or student of the school is considered a visitor.
- B. All visitors to the school during the school day must report to the school's visitor sign-in desk or the main office upon arrival at the school. There they will be required to show a picture ID and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office before leaving the building.
- C. Visitors attending school functions after school hours that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Visitors are not to interfere with classroom instruction.
- E. Any unauthorized person on school property will be reported to the building principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- F. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XVIII. Public Conduct on School Property**

The District is committed to providing an engaging and orderly environment that is conducive to learning. The District invites members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to create and maintain this kind of an environment, the public must also adhere to the expectations of the District. For purposes of this section

of the Code, “public” shall mean all persons when on school property or attending a school function, including students, teachers, and District personnel.

The expectations for the public’s conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to create a conducive learning environment, maintain order, and prevent infringement on the rights of others.

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

***Prohibited Conduct***

- A. No person, either alone or with others, shall:
1. Intentionally injure any person or threaten to do so.
  2. Intentionally damage or destroy District property or the personal property of a teacher, administrator, other District employee, or any person lawfully on school property, including graffiti or arson.
  3. Disrupt the orderly conduct of classes, school programs, or other school activities.
  4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
  5. Intimidate, harass, or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
  6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
  7. Obstruct the free movement of any person in any place to which this Code applies.
  8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
  9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, illegal substances, or be under the influence of either on school property or at a school function.
  10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District.
  11. Loiter on or about school property.
  12. Gamble on school property or at school functions.
  13. Refuse to comply with any reasonable order of identifiable District officials performing their duties.
  14. Willfully incite others to commit any of the acts prohibited by this Code.
  15. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function.
  16. Harass District staff, students or other visitors.
- B. Consequences — Persons who violate this Code shall be subject to the following consequence:
1. Visitors — their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, police may be called.
  2. Students — they shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
  3. Tenured faculty members — they shall be subject to disciplinary action as the facts may warrant

in accordance with Education Law § 3020-A or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75 — they shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 — they shall be subject to warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

### C. Enforcement

1. The purpose of this Code of Conduct is to maintain public order and prevent abuse of the rights of others. The principal or their designee will be responsible for enforcing the conduct required by this Code.
2. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.
3. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.
4. When the building principal or their designee sees an individual engaged in disruptive or disorderly conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the building principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop.
5. The principal or their designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.
6. The District shall initiate disciplinary action against any student or staff member, as appropriate, who violates the Code of Conduct.
7. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

## **XIX. Dissemination and Review**

- A. The Board of Education will ensure that the community, faculty, students, staff, and parents are aware of the Code of Conduct.
  1. Present an age-appropriate summary of the Code of Conduct to all students at the beginning of each school year.
  2. Provide a plain language summary to all parents at the beginning of the school year and thereafter on request.
  3. Post a complete Code of Conduct on the District's website.
  4. Provide all teachers and staff with a copy of the Code of Conduct after its adoption and any revisions.
  5. Provide all new employees with a copy of the Code of Conduct when first hired.
  6. Provide in-service training of faculty and staff and communicate to constituents about the Code of Conduct.
  7. The Board will review the Code of Conduct annually.
  8. Hold at least one public hearing before approving a revised Code of Conduct.
  9. File its Code of Conduct and any amendments to it with the Commissioner of Education within thirty days of adoption.

The superintendent may solicit the recommendations of District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development shall be included in the District’s professional development plan, as needed.

B. Review of Code of Conduct

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

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

Adoption Date:	June 20, 2001
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