



Code of Conduct and Maintenance of Order

The Board of Education supports equity in opportunities and outcomes for students and is committed to providing a school environment that is conducive to learning, culturally responsive, respectful, safe, and orderly.

The Board of Education annually reviews the Code of Conduct for the Maintenance of Order on School Property (also referred to as the Code of Conduct and Code), which:

- Defines expectations for acceptable conduct on school property and at school events both off and on school property.
- Serves as a standard to ensure that the rights of all are handled with consistency and fairness.
- Identifies possible consequences for unacceptable conduct.
- Strives to ensure that discipline is administered fairly and in accordance with applicable regulations and statutes.

The District has a long-standing set of values and beliefs that guide the actions and behaviors of all staff members and students to ensure success. Responsible behavior by students, district employees, parents/legal guardians and other visitors is essential to achieving the objectives outlined in the Code of Conduct. Central to those values and beliefs are certain fundamental principles. Students learn best:

- when adults serve as active, positive role models;
- when clear academic and behavioral expectations are communicated and understood; and
- in a school community where respect, acceptance for differences, and civility are modeled by all.

Further, to define success, student Profiles (see Appendix I) are clearly and concisely articulated at each level of progress: elementary, middle, and high school. The student Profiles define in broad statements WHAT students will need to know and be able to do to be successful in school and in life. These expectations will challenge and motivate students and subsequently dictate behavioral norms.

Elementary School Students (Grades K–5)

The goal of education is to ensure that each student becomes a productive member of society. Students will develop and accept the responsibilities and obligations of good citizenship to meet the demands of the 21st century. We, therefore, emphasize and value the traits of respect and responsibility in the elementary school. We believe students will master the concepts of respect for self, others, and property.

Middle School Students (Grades 6-8)

The goal of education is to prepare students to become lifelong, self-directed learners in a positive, nurturing, and student-centered environment. The expectation is for students to develop and accept the responsibilities and obligations of good citizenship, and to successfully participate in the world of tomorrow. The middle school emphasizes and values the traits of preparedness, respect, responsibility, safety, and kindness. It is believed that students who master the concepts of showing respect for self, others, and property will be successful not only at this level of education but in high school and beyond.

High School (Grades 9–12)

For students, high school is not only a time of academic challenge but a time of balancing the need for increased independence and choices with a continued need for structure and support. As the final opportunity for students to prepare for postsecondary experiences as responsible individuals, the Code of Conduct for the Maintenance of Order on School Property for students provides for individual discretion, while holding students responsible for their actions. To obtain this end, high school students must work cooperatively with all adults in the building and actively contribute to promoting mutual respect between all members of the high school community.

The Code of Conduct supports, enhances, and supplements broad discretionary authority to maintain safety, order, and discipline. The District will do the following to ensure that the students, staff, and the larger Sherburne-Earlville community are aware of the Code of Conduct for the Maintenance of Order on School Property:

- a) Posting the complete Code of Conduct Regulations on the District website, including any annual updates and other amendments to the Code;
- b) Provide (via email) the full Code of Conduct Regulations to the family of every student and provided to every staff member;
- c) Provide each teacher with a copy of the complete Code of Conduct Regulations and a copy of any amendments as soon as practicable following initial adoption or amendment of the Code and applicable regulations. New teachers shall be provided a complete copy of the Code of Conduct Regulations upon their employment; and
- d) Making complete copies available for review by students, parents, or persons in parental relation to students, other school staff and other community members.

Every member of the Sherburne-Earlville school community, students, faculty members, parents/legal guardians, administrators, and support staff will contribute to and accept responsibility for an orderly and respectful school climate.

ROLES & RESPONSIBILITIES

These Regulations for the Code of Conduct for the Maintenance of Order on School Property are to serve as the standard to ensure that the rights of all are handled with consistency and fairness.

A thorough understanding for all Sherburne-Earlville staff, parents/legal guardians, students, visitors, and vendors in the standards of this Code is critical and will be achieved through broad communication and appropriate training.

A. Administrators - Building administrators and their designees (for example, assistant principals) are responsible for promoting a supportive and positive school environment and for implementing the Code of Conduct for the Maintenance of Order on School Property and applicable regulations fairly and consistently. Staff members found guilty of violating any of the provisions outlined in the Code of Conduct may be subject to disciplinary action as outlined in Board Policy, contractual agreements, and as outlined in Education Law §3020-a and Civil Service Law §75, as applicable.

B. Board of Education - The Board of Education establishes the Code of Conduct for the Maintenance of Order on School Property and applicable regulations. Members should lead by example by conducting Board meetings in a professional, courteous, and respectful manner. Procedures for hearing grievances relating to disciplinary action shall be provided so that the rights of all individuals will be protected.

C. Dignity Act Coordinator - At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation. The Dignity Act Coordinator will be responsible for receiving and investigating (either directly or through designees), reports of harassment, bullying and/or discrimination.

D. Faculty - Teachers and instructional support staff members play a key role in the maintenance of a positive and orderly school atmosphere in and out of the classroom. They have the responsibility for establishing and maintaining effective and consistent management techniques which involve and motivate students. They also must work closely with students to ensure their understanding of the Code of Conduct for the Maintenance of Order on School Property. Staff members found guilty of violating any provisions of these rules may be subject to disciplinary action as outlined in Board Policy, contractual agreements, and as outlined in Education Law §3020-a, as applicable.

E. Parents/Legal Guardians - As primary teachers for their children, parents/legal guardians play a key role in the maintenance of good discipline at Sherburne-Earlville. They are expected to work with and support school staff through awareness, understanding and support of the Code of Conduct for the Maintenance of Order on School Property. "Parent" is defined as a parent, legal guardian, or person in parental relation to a student. Parents/legal guardians are required to sign in at the office and display a District issued visitor's badge when entering a building. Failure to do so may result in the parent being removed from the building or school grounds.

F. Students - The Sherburne-Earlville Central School District is committed to safeguarding the rights given to all students under state and federal laws and regulations. The Code recognizes that expected behavior and consequences are appropriate to students' age and developmental level. The goal is for students to gain an understanding of the benefits of proper behavior as well as the consequences of inappropriate behavior. A student who violates any of the provisions may be subject to the appropriate disciplinary penalty stipulated in the Code that is proportionate to the severity of the misconduct.

G. Superintendent - The Superintendent or designee (including members of the District Leadership and Support Team) is ultimately responsible for the implementation of the District Code of Conduct for the Maintenance of Order on School Property and applicable regulations. The Superintendent or designee will be charged with hearing disciplinary issues that cannot be resolved within the limits of the building level (Section 3214 of the Education Law and Penal Law).

H. Support Staff - Support staff members (for example: monitors, aides, clerical staff, bus drivers, custodians, cleaners, and food service staff members) contribute widely to a positive and orderly environment throughout the District. The overall awareness, understanding, and support of the Code of Conduct for the Maintenance of Order on School Property by support staff members, as well as its specific relationship to each of their roles, is crucial to its successful implementation. Staff members found guilty of violating any of these provisions of these rules may be subject to disciplinary action as outlined in Board Policy, contractual agreements, and as outlined in Civil Service Law §75, as applicable.

I. Visitors - Visitors to the schools are expected to exhibit behaviors that support the Code of Conduct for the Maintenance of Order on School Property. Visitors play a key role in the maintenance of appropriate behavior by modeling behaviors expected of students. Visitors, including vendors, are required to sign in at the office and display a District issued visitor's badge when entering a building. While on District premises or at school activities, they are subject to the authority of the building principal or designee. Failure to do so may result in the visitor being removed from the building or school grounds. A visitor who violates any of the provisions of these rules and regulations will not be allowed to remain on school grounds or at a school function, and they will be directed to leave the premises. A visitor who is loitering and/or trespassing shall be asked to immediately leave the school grounds/facilities. If the violator refuses to leave, they will be subject to removal or arrest. To promote and foster a culturally proficient District environment preserving respect, dignity, and civility, visitors shall not wear or display racially or ethnically provocative or divisive symbols or items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, creed, national origin, gender, sexual orientation, or disability, while at school, on school grounds, or at school-related activities.

DEFINITIONS

Having a common language and a common understanding of terms is critical to a fair and objective administration of the Code of Conduct. It is the intent to have terms defined concisely enough to ensure ease of understanding, but with sufficient details to connote a high level of seriousness, importance, and applicability to varied circumstances and situations.

A. Alcohol and illegal substance use/abuse

Possession, purchase, distribution, sale, consumption, or being under the influence of illegal substances, alcoholic beverages, tobacco products, or drug paraphernalia on school property, on a school vehicle or at a school function.

B. Appropriate Dress

For the purpose of this Code, appropriate dress for District employees is defined as giving proper attention to personal cleanliness and clothing that is professional, and safe and does not disrupt, distract, or otherwise interfere with the educational process. Staff members are expected to model appropriate dress and decorum, recognizing the significant role and impression they have on students. Staff shall not wear or display culturally (race, ethnicity, socioeconomic status) derogatory, offensive, or divisive symbols; or items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, creed, national origin, gender, sexual orientation, or disability, while at school, on school grounds, or participating in school-related activities. The same applies to visitors to school events or events held at school facilities or on school grounds.

For the purpose of this Code, appropriate dress for students is defined as and includes the following:

- To promote and foster a culturally proficient school environment preserving respect, dignity, and civility, students are encouraged to wear clothing or garb that is relevant to and distinctive of their respective cultures or ethnicity.
- Students shall not wear or display culturally (race, ethnicity, socioeconomic status) derogatory, offensive, or divisive symbols; or items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, creed, national origin, gender, sexual orientation, or disability, while at school, on school grounds, or participating in school-related activities.

- Student’s dress, grooming and appearance, jewelry and accouterments, makeup, and nails shall be safe and appropriate and shall not disrupt, or interfere with the educational process or participation in a school activity/function. Items that may be used as a weapon such as spiked belts, spiked bracelets, spiked choker collars, or long hanging chains are prohibited.
- Students shall wear clothing and footwear that is safe and appropriate for school and school-related activities. For Physical Education classes, students need to dress in appropriate athletic attire. Sneakers are required for physical education class. Footwear that poses a safety hazard will not be allowed.
- Students will wear appropriate protective gear where required for instructional activities in certain classes (e.g., Home and Career Skills, Technology, Science, and Physical Education).
- Students will wear appropriate swimwear when in the swimming pool facility.
- Headwear required for religious or medical purposes is permitted.
- Students, at the discretion of the building administration, may be allowed to wear headwear.
- Students will ensure that underwear is completely covered with outer clothing. All clothing shall be fastened appropriately.
- For school events (for example, dances) and athletic practices and contests, appropriate attire must be worn.
- Students’ dress/accessories shall not promote and/or endorse sexual activity of any kind, the use of alcohol, tobacco, vaping (e-cigarettes or juuls), or illegal drugs and/or encourage illegal or gang-related activities, including violence, depictions of guns, knives, and other weapons.
- Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so.
- Nothing in this Dress Code will be construed to limit the ability of students to wear certain protective hairstyles (including but not limited to braids, locks and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

C. Bullying and/or Harassment

The creation of a hostile environment by conduct or by threats, intimidation or abuse (including cyberbullying as defined in this Code) 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 and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his/her/their 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.

Such conduct shall include acts of harassment and/or bullying that occur: (1) on school property, as defined in this Code of Conduct; (2) at a school function, as defined in this Code of Conduct; or (3) off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The phrase "threats, intimidation or abuse" includes both verbal and non-verbal actions. For purposes of this section, "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 interfere with a student's education unreasonably and substantially.

Such conduct shall include, but is not limited to, acts based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin or ancestry,
- ethnic group,
- religion or creed,
- religious practices,
- physical disability,
- mental disability,
- veteran status,
- genetic information,
- citizenship,
- sex (including gender, pregnancy, sexual orientation, gender identity and expression, or any other legally protected status),
- age

Bullying may include but is not limited to, unwanted, intentional, aggressive behavior that involves a real or perceived power imbalance.

Bullying often includes the following characteristics:

- Power imbalance - occurs when a bully uses their physical or social power over a target.
- Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- Threat of further aggression - the bully and target believe that bullying will continue.
- Terror - when bullying increases and becomes systematic violence or harassment used to intimidate and maintain dominance.

There are several types of bullying:

- Verbal bullying can include name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, gossip, taunting, spreading rumors, racial slurs, threatening electronic communications (cyber-bullying), and anonymous notes.

- Physical bullying can include poking, slapping, hitting, tripping, or causing a fall, choking, kicking, punching, biting, twisting arms or legs, pinching, spitting, scratching, damaging clothes and personal property, or threatening gestures.
- Social/Relational bullying includes isolating, shunning, spreading rumors, excluding someone from a group, or gossiping.

D. Cyberbullying

Harassment and/or bullying, as defined in this Code, through any form of electronic communication.

E. Disability

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 a record of such an impairment, or 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 reasonably the activities involved in the job or occupation sought or held.

F. Discrimination

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 expression, gender or sex, or any other legally protected status.

G. Disruptive Student

For the purpose of this Code, a disruptive student is any elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a staff member's authority occurs when a student demonstrates a persistent unwillingness to comply with instruction or the respective school activity or repeatedly violates the rules for behavior.

H. District Property

For purposes of this Code, and the implemented Code of Conduct, school property means in or within any building, structure, athletic playing field, playground or roadway/parking lot or property owned by the District. A school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state or country.

I. Electronic Devices

For the purpose of this Code, electronic devices pertain to student-issued devices, calculators, and all other District-owned electronic devices.

RESPONSIBLE USE GUIDELINES

Sherburne-Earlville Central School District users understand that accessing electronic devices (whether personal or school owned) and the SECSO network is a privilege, and when individuals use them according to the Responsible Use Guidelines they will keep that privilege. The privilege of using the technology resources

provided by SECSO is non-transferable to people or groups outside SECSO and terminates when a student is no longer enrolled in the SECSO.

These guidelines are provided to make all users aware of the responsibilities associated with the efficient, ethical, and lawful use of technology resources. The guidelines shall be applied to user infractions and appropriate consequences will be determined, based on the Sherburne-Earlville Central School District Code of Conduct. Student-issued digital devices are subject to inspection at any time without notice and remain the property of the Sherburne-Earlville Central School District.

Student Responsibilities

Students will...

- take good care of the digital device and charger.
- never leave the digital device or charger unattended.
- never loan out the digital device or charger to other individuals.
- not place decorations (such as stickers, markers, etc.) on the digital device or case provided; or deface the serial number digital device sticker on any digital device.
- know where the digital device and charger are at all times.
- bring the device to school daily fully charged.
- only use charging devices issued by the District.
- keep food and beverages away from my digital device, since they may cause damage to the device.
- not disassemble any part of the digital device or attempt any repairs.
- use digital devices, networks, and software on and off school grounds for educational purposes and activities.
- show respect for themselves, others, and the District when using technology, including social media.
- keep their personal information (including phone numbers, mailing address, and user password) and that of others private.
- use the digital device in appropriate ways, meet Sherburne-Earlville Central School District expectations, and are educational.
- report inappropriate use of technology immediately to teachers or administration.
- return the digital device and power cords in good working condition.
- return the device no later than the last day of school, or upon withdrawal from the District.
- **be financially responsible for all damage or loss caused by neglect or abuse.**

iPad \$294

Chromebook \$230

In case of theft or vandalism, the student must report to their building principal within ONE day and the District reserves the right to file a police report.

J. Employee

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.

K. Gender

A person's actual or perceived sex and includes a person's gender identity or expression.

Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Gender expression is how a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, and/or mannerisms.

L. Illegal Substances

Include, but are not limited to inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs when possession is unauthorized, or such are inappropriately used or shared with others, or any product or substance which, when misused, will result in an impaired or altered state. Illegal substances also include any paraphernalia related to these substances.

M. Loitering/Trespassing

For purposes of this Code, loitering is remaining in or near school buildings and grounds with no reason for being there and with no authority or written permission to remain. A person is suspected of loitering/trespassing when the person remains in or about any school building or grounds, buses, or at a school-sponsored event; not having any reason or relationship involving custody of, or responsibility for a student or any other specific legitimate reason for being there and not having written permission from an authorized school official for being there. (Section 240.35 of the State Penal Law). A person (s) distributing flyers, electioneering, or promoting a particular event or activity without the written permission and consent of the Superintendent, building principal, or appropriate designee shall be considered trespassing and will be asked to immediately cease the activity and may be asked to leave the school grounds or facilities. If the violator refuses to cease the activity or leave, the person will be subject to removal or arrest. (Section 240.35 of the State Penal Law)

N. Material Incident of Harassment, Bullying and/or Discrimination

A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occurs off school property, and is the subject of a written or oral complaint to the superintendent, principal, or designee, or another school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

O. Retaliation

When any employee, student, or visitor mistreats any person because he/she/they reported in good faith, testified about, or otherwise attested in an investigation, proceeding or hearing related to alleged harassment or bullying. An alleged harasser may be found to have retaliated if the underlying complaint is not found to be a violation of this code. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

P. School Bus

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.

Q. School Function

A school-sponsored extra-curricular, co-curricular, or other event or activity.

R. Sexual Harassment

Sexual harassment may include, but is not limited to the following:

- Verbal harassment or abuse;
- Pressure for sexual activity or favor;
- Repeated unwanted remarks to a person, with sexual or demeaning implications;
- Unwelcome touching;
- Use of electronic media to solicit indecent or inappropriate comments and/or visuals of a sexual nature;
- Use of electronic media to distribute indecent or inappropriate comments and/or visuals of a sexual nature; and
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, reputation, pictures, or general safety and welfare.

S. Sexual orientation

Actual or perceived heterosexuality, homosexuality, or bisexuality.

T. Tobacco Product

Any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products.

U. Under the Influence

If a person has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her/their presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

V. Violent Student

- For purposes of this Code, a student under the age of 21 is considered violent if the student:
- Commits an act of violence upon a school employee or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person on school property or a school function or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon, or what appears to be a weapon.

- Intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function.
- Intentionally damages or destroys school district property.

W. Weapon

For the purpose of this Code, weapons mean a firearm as defined in 18 USC §921 for the purpose of the Gun-Free Schools Act. Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm or silencer; or any destructive device (18 USC-921, Goals 2000: Educate America Act, Public Law 103-277). For the purpose of this Code of Conduct, a weapon also means any other gun (simulated or real), BB-gun, knife, razor, switchblade knife, dagger, dirk, stiletto, box cutter, pocket knife, pepper spray or other noxious sprays, explosive or incendiary device, ammunition or simulated ammunition, fireworks, toy or replica/fake weapons, or any other device, instrument, material, or substance that can cause physical injury or death when used to cause physical injury or death.

PROHIBITED CONDUCT

No person, either singly or in concert with others while on District property, at school-sponsored events or on a District school bus, shall:

- Cause physical injury to any other person or threaten to do so for the purpose of compelling or inducing any other person to perform or refrain from performing any act.
- Engage in bullying, threats, intimidation and/or extortion of any other person.
- Engage in any activity or action that demeans, discriminates, or otherwise violates or imposes upon the legal rights of others.
- Substantially disrupt or interfere with or impede the ability of other students to engage in the educational process or school personnel to effectively perform their duties.
- Use language or gestures, or engage in actions that are obscene, profane, perverse, overtly sexual, lewd, lascivious, indecent, vulgar, or abusive.
- Damage or destroy the property of the District or property under its jurisdiction nor remove or use such property without authorization.
- Engage in the theft of, or damage to, or defacement of any District property or property of any person.
- Enter into and remain in any building, facility, office, or room for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- Refuse to leave any building or facility after being required to do so by any person responsible for the maintenance of order in a building or facility.
- Loiter or trespass in school buildings or on school grounds.
- Use matches, lighters (or similar devices) on District property, set fires, tamper with, or obstruct any safety measures such as fire extinguishers, alarm systems, posted fire regulations, water sprinklers, or fire doors.
- Fail to conform to safety drill procedures, or tamper with any communications, heating, lighting, or power systems.
- Intentionally make or conspire to make a bomb threat, raise a false alarm, or make a false report of a school closing or cancellation of school events. Any bomb threat made in New York State is a felony and will be treated accordingly. The District shall cooperate fully with law enforcement in investigating and prosecuting said offenses.

- Disrupt or prevent the peaceful and orderly conduct of classes and meetings, administration, disciplinary procedures, or other District activities or deliberately interfere with the freedom of any person to express his views, including invited speakers.
- Dress inappropriately.
- Knowingly have in the student's possession any weapon.
- Possess, use, or distribute alcoholic beverages; tobacco/nicotine products, lighters and other tobacco paraphernalia; and/or illegal substances/paraphernalia or other substances including prescription drugs without nurse's supervision unless self-medication protocol is followed. The use of any substances (alcohol, tobacco, e-cigarettes, or drugs) or its paraphernalia is prohibited in any part of buildings, school grounds, or at school events at other locations and in district vehicles.
- Gamble on District property.
- Violate District rules and regulations concerning the use of motor vehicles on School District property and School District parking regulations.
- Disrupt or interfere with the operation of District buses.
- Fail to comply with directions of District officials acting in the performance of their duties, inclusive but not limited to, safety drills or other emergency protocols.
- Sexually harass any person.
- Use or display any electronic devices in a manner that creates a substantial disruption to the educational process or jeopardizes the safety of others, or the ability to preserve a safe environment. During the instructional day, certain technology may be used when authorized by the teacher as an integrated component of classroom instruction, or in designated areas and at designated times, as authorized by building administration.
- Engage in prohibited conduct, including and not limited to conduct described above, through use of the Internet, social media, and /or other electronic devices
- Incite others to commit any of the acts herein prohibited with the specific intent to procure them to do so.

Violation of any of the above-mentioned prohibited conduct may result in the notification of law enforcement.

STUDENT RIGHTS AND RESPONSIBILITIES

The Sherburne-Earlville Central School District is committed to safeguarding the rights given to all students under State and Federal law including First Amendment Rights.

While students are allowed to exercise said rights and civil liberties, any actions taken must be discussed in advance with the respective building principal to ensure that the District promotes a safe, healthy, orderly, and civil school environment.

Student Rights

- Pursue their education in a safe, respectful, and intellectually nurturing environment.
- Ability for students to learn through circumstances that permit healthy, intellectual, emotional, physical, and moral development.
- Receive a free, sound, basic education and take part in all District activities without discrimination based on race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.
- Receive an education appropriate for the student's individual needs.

- Obtain an education that respects culture, race, socioeconomic background, and the language of their home.
- Attend schools and effective educational programs.
- Participate in educational programs that prepare students for jobs, for college, for responsible family life and citizenship in a self-governing society.
- Have available resources needed to secure their educational rights.
- Receive an education that involves responsibilities as well as rights.

Source: The Regents Bill of Rights for Children: An Education Charter for the Decade of the Child.

Student Responsibilities - Students are responsible for:

- Taking responsibility for their own learning.
- Their own behavior.
- Being respectful of all adults and the values and views of other students.
- Being prepared for classes, for attending school each day, and being ready to learn.
- Being positive members of the school community concerning themselves, others, and property.

EXPECTATIONS

Students, employees, visitors, and vendors who violate the Code will be subject to disciplinary action. District officials may use a range of responses to student misconduct. Before disciplining a student, District officials may issue a warning, conduct a parent/legal guardian conference, enter into a student behavior contract, or provide counseling or mediation.

The fundamental objective shall be the modification of behavior to promote and foster academic success and maintain a school environment that is conducive to teaching and learning.

A. Elementary Students (Grades UPK-5)

1. In school, a student is expected to:

- Walk in the halls in an orderly fashion.
- Walk in the halls keeping lunch boxes, pencils, etcetera away from walls.
- Stay in the classroom until excused or dismissed.
- Use appropriate language in all places including in school, on the playground, and on the bus.
- Respect the rights of others by being quiet and polite in the hallways.
- Take care not to damage or destroy school property such as desks, chairs, walls, books, computers, and other electronic devices, etc.
- Respect the rights and feelings of others, both adults and children.
- Learn and comply with behavior rules when in the pool.
- Follow the rules and direction of the teacher and other adults who are in charge.
- Use special care when handling equipment in art, music, library, computer lab and physical education classes.
- Dress appropriately for school and school functions.
- Use electronic devices and the district computer system appropriately and in accordance with school guidelines.

2. In school, during assemblies, going out for recess, attending field trips, special events, or emergencies, a student is expected to:

- Sit where directed.

- Leave the assembly only with permission from an adult.
 - Watch and listen politely to the performance and speakers.
 - Clap politely to show appreciation.
 - Leave the assembly in an orderly manner following the directions of the adults in charge.
3. In school, during lunch, a student is expected to:
- Use good table manners and practice proper eating habits.
 - Never throw food or any objects.
 - Talk quietly during lunch.
 - Follow the directions of supervising adults.
 - Clean up after eating and dispose of trash and recycle before leaving the cafeteria.
4. On the playground, a student is expected to:
- Play only in designated areas under adult supervision.
 - Leave the playground only with permission.
 - Play only safe games.
 - Use playground equipment safely and carefully.
 - Report injuries to the playground supervisor.
 - Keep hands off others when at play.
 - Use appropriate language.
 - Respect others' feelings.
 - Show good sportsmanship.
 - Use kind words and actions.
 - Remember to collect belongings.
 - Follow the directions of supervising adults.

B. Middle School Students (Grades 6-8)

1. In school, a student is expected to:
- Walk the halls in an orderly fashion.
 - Be in homeroom and classes on time.
 - Use assigned lockers only at the designated times and treat them with respect.
 - Use appropriate language and gestures that are not profane, lewd, vulgar, or abusive.
 - Keep their hands to themselves.
 - Respect the rights and feelings of others.
 - Follow the directions of the faculty and staff.
 - Learn and comply with the behavior rules when in the pool.
 - Show respect for all school property including but not limited to; textbooks and classroom materials and equipment, including computers and other electronic devices.
 - Respect personal space and physical proximity hence avoiding public displays of affection.
 - Dress appropriately for school and school functions.
 - Use electronic devices and the district computer system appropriately and in accordance with school guidelines.
2. In school, during lunch, a student is expected to:
- Give full cooperation to the supervising staff.
 - Remain seated except when purchasing food, disposing of garbage, or returning the tray.
 - Never throw food or any objects.
 - Speak in a tone and voice that is not loud or disruptive.

- Clean the table and make certain trash is properly disposed and appropriate recycling is complete.
 - Follow school-established procedures when leaving the cafeteria before dismissal.
3. When attending field trips, special events, emergencies and assemblies, a student should:
- Give full cooperation to supervising staff.
 - Represent Sherburne-Earlville when participating or attending school-sponsored events with the highest standard of conduct, demeanor, and sportsmanship.

C. High School Students (Grades 9-12)

1. Students are expected to:

- Be respectful to fellow students, school employees and all school property.
- Follow the bus rules and regulations, as well as rules granted under driving/parking privileges.
- Be in school unless legally excused.
- Be in advisory and classes on time. Attend all classes as scheduled.
- Leave the building only with prior approval.
- Have a signed pass when in the academic halls while classes are in session.
- Learn and comply with the behavior rules when using the pool.
- Be in authorized areas only.
- Be familiar with all District and building rules on student conduct.
- Represent Sherburne-Earlville when participating or attending school-sponsored events with the highest standards of conduct, demeanor, and sportsmanship.
- Speak in a tone and voice that is not loud and disruptive.
- Respect personal space and physical proximity, avoiding public displays of affection.
- Dress appropriately for school and school functions.
- Use electronic devices and the district computer system appropriately and in accordance with school guidelines.

COVID-19 and/or Highly Infectious Disease

The District expects that all staff, students, and visitors follow the Center for Disease Control (CDC) and NYS Department of Health guidelines in the event that district is required to comply with COVID-19 and/or Highly Infectious Disease protocols. Signage will be posted throughout the district to reinforce these expectations.

The following protocols are only required when mandated by the NYS Department of Health and/or NYS Department of Education.

REPORTING DISCRIMINATION, HARASSMENT AND BULLYING (DIGNITY FOR ALL STUDENTS ACT)

Prevention is the cornerstone of the District’s effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity For All Students Act Coordinator (“DAC”).

These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- (a) Professional development for staff members;
- (b) The complaint process; and
- (c) Implementation of the Dignity Act's civility curriculum components.

The Dignity Act Coordinators are as follows:

- 1. School Counselors
 - 1. Primary School: 607-674-7398
 - 2. Intermediate School: 607-674-6229
 - 3. Middle School: 607-674-7382
 - 4. High School: 607-674-7315
- 2. School Social Workers
 - 1. Elementary School: 607-674-7348
 - 2. Middle School: 607-674-7382
 - 3. High School: 607-674-8457 or 607-674-7311
- 3. Director of Special Programs: 607-674-7367

The DASA Coordinators are the school employees charged with receiving all reports of harassment, bullying, and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes they have been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report the same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a school employee otherwise learns of any occurrence of possible conduct prohibited by this Code, the school employee shall promptly and orally notify the DASA Coordinator(s) no later than one (1) school day after such school employee witnesses or receives the complaint or learns of such conduct. The school employee shall also file a written report with the DASA Coordinator(s) no later than two (2) school days after making the oral report. If the DASA Coordinator is the alleged offender, the report will be directed to the Principal or Superintendent.

After receipt of a complaint, the DASA Coordinator(s) shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The DASA Coordinator(s) shall ensure that such investigation is completed promptly and investigated following the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a school official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile

environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

The Principal, Superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct. The Principal or the Principal's designee shall provide a regular report, at least once during each school year, on data and trends relating to harassment, bullying and/or discrimination to the Superintendent of Schools.

Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination shall be prohibited.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end harassment, bullying, and/or discrimination, prevent a recurrence, and eliminate the hostile environment.

DISCIPLINARY INFRACTIONS, PROCEDURES, CONSEQUENCES, PROCESSES

When possible, discipline should be used as an opportunity to improve, encourage, and modify future behavior so that the student can maximize the educational experience. All efforts shall be made to ensure bias and/or discriminatory practices do not lend to the unfair and unjust treatment of any student, or disproportionately in discipline infractions or intensity of consequences.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Additionally, a student's first offense in one category, coupled with multiple offenses in other categories may result in a harsher penalty than that of another student who does not have a similar violation history; however, the district reserves the right to impose any level of discipline, even for a first offense, as the facts may warrant.

The following sections describe possible infractions, disciplinary procedures, disciplinary options, and consequences, beginning with lower levels and ending with those of the most serious nature. It is not meant to be all-inclusive. In all cases, those staff members charged with maintaining order at school and other sites at which student activities take place, are expected to carry out complete investigations and administer the Code as consistently and equitably as possible taking into consideration:

- The student's age, level of understanding and previous disciplinary history.
- The nature of the specific incident, and mitigating circumstances, particularly whether or not an action was deliberate or accidental.

Level 1 Infraction

Minor acts of misconduct that interfere with the orderly operation of a classroom, bus, school, or school activity

Examples:

Teasing, horseplay, dress code violations, tardiness, inappropriate language or gestures, failure to be prepared for class or first two infractions involving possession or usage of tobacco products

Level 2 Infraction

More serious or disruptive acts directed against people or property that do not seriously endanger the health or safety of others

Examples:

Bullying, cheating, gambling, insubordinate behavior, truancy, third or subsequent infractions involving possession or use of tobacco products, distribution of inappropriate material, repeated level 1 infractions

Level 3 Infraction

Major disruptions of school order, potential threat to the health and safety of others, or damage to property

Examples:

Fighting, selling, purchasing, using or possessing illegal substances, stealing, vandalism, harassment, reckless driving, possession or threatening use of weapon, threats, repeated level 2 infractions

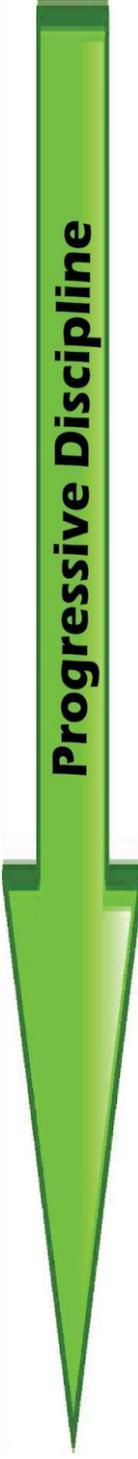
Level 4 Infraction

Misconduct that seriously endangers the health and safety of others and can possibly be categorized as criminal in nature

Examples:

Possession and use of a weapon, assault, bomb threat, arson, committing an act of violence on school employee, false fire alarm, repeated level 3 infractions

Progressive Discipline


Discipline Options (examples)

Verbal and/or written warning
Parent/legal guardian notification
Written apology
Supportive
Community Service

*More serious options are available for more serious or repetitive behaviors (i.e., detention, removal from class)

Discipline Options (examples)

Parental/legal guardian notification/conference
Supervised study hall
Detention
Removal from class
Suspension of privileges, transportation, athletic events, social or extracurricular activities
In-school suspension

*More serious options are available for more serious or repetitive behaviors (i.e., outside agencies notified, police notified)

Discipline Options (examples)

Parental/legal guardian notification/conference
Restitution
Suspension of privileges, transportation, athletic events, social or extracurricular activities
Short-term suspension from school (up to 5 days)
Long-term suspension from school with Superintendent's Hearing

*More serious options are available for more serious or repetitive behaviors (i.e., outside agencies notified, police notified)

Discipline Options (examples)

Parental/legal guardian conference
Restitution
Long-term suspension from school with Superintendent's Hearing
Police notified

LEVELS OF INFRACTIONS, PROCEDURES, CONSEQUENCES, PROCESSES

Level 1 Infractions

Minor acts of misconduct that interfere with the orderly operation of a classroom, bus, school, or school activity.

Listed below are examples, but not all-inclusive, of Level 1 Infractions.

- Teasing or name-calling
- Running/horseplay in the halls or on the pool deck
- Loud or inappropriate language or gestures
- Statements or actions, written, verbal or electronic, that disrupt the educational process
- Tardiness
- Failure to comply with the dress code
- Minor disruptive behavior in school, class, pool, playground, or bus
- Recurring failure to be prepared with class materials or supplies
- Careless, unauthorized use of, loss of or damage to school property and facilities
- Unauthorized use of electronic devices, or misuse of computers.
- Interfering with the behavior of others
- Abuse of hall or bathroom privileges in an unauthorized area without permission
- Misuse of parking privileges (High School)
- Littering

Level 1 Disciplinary Procedures

- Supervising staff members or observers will intervene and inform students of the infraction.
- The incident may be documented on a student referral form which is sent to the principal's office, for certain infractions.
- If the building administrator confiscates a student's cell phone, the cell phone must be turned off and stored in the principal's office.
- In cases of repetitive behavior, the staff member shall communicate to the teacher and/or administrator.
- Principal and/or designee will notify the parent/legal guardian of the infraction and applicable consequence as soon as practicable, but within 24 hours.
- Parent/legal guardian shall be provided with an opportunity for an informal conference to discuss the infraction(s), consequences, and possible interventions to prevent such future student conduct.
- Referring staff informed of the action taken.
- The principal and/or designee maintains a record of the offense and disciplinary action in the student information system.

Level 1 Disciplinary Options/Consequences

A disciplinary penalty is appropriate if it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be arbitrarily imposed merely because the student does not

cooperate with the District's investigation of an incident and/or does not admit guilt. In no instance shall a student be externally suspended (Out of School Suspension - OSS) for a Level I infraction.

Listed below are examples, but not all-inclusive, of Level 1 Options/Consequences.

- Verbal warning – immediate adult counsel or reprimand
- Written warning, documentation of behavior
- Written apology
- Parental/legal guardian notification
- Informal conference with parent/legal guardian
- Temporary loss or restriction of privileges
- Confiscation/securing of electronic devices
- Payment for lost or damaged property
- School - community service as assigned by an administrator with the consent of the parent/legal guardian
- Seat change in the classroom or on the bus
- Behavioral contract or probation
- Detention
- Teacher assigned detention
- Temporary removal from class
- In-school Suspension - ISS

Code violations involving possession or use of tobacco/nicotine products will be tracked each school year and a tiered approach for addressing student violations of the code will be applied as follows for the first and second violations:

- Confiscation of tobacco/nicotine products
- Notification of caregivers
- The offer of information to the student about available tobacco education and/or cessation programs
- Facilitation of the enrollment of the student in an evidence-based tobacco cessation program if the student expresses an interest in quitting
- First Violation: a collaborative conversation shall take place between the student and designated staff member to discuss:
 - what factors led to the violation, including information on student's tobacco product usage, possible triggers for use and knowledge of physical, social, and emotional harm caused by tobacco.
 - The code's purpose, which is to protect students from the impacts of long-term tobacco/nicotine use.
 - A verbal agreement on the next steps between the student and the designated staff member.
- Second Violation: a collaborative conversation shall take place between the student and designated staff member as outlined above:
 - The student will be enrolled in an evidence-based tobacco education program as an alternative to suspension.
 - The district shall designate a staff member to monitor the progress of the student found in violation of the code.

Level 2 Infractions

More serious or disruptive acts that are directed against people or property that do not seriously endanger the health or safety of others.

Listed below are examples, but not all-inclusive, of Level 2 Infractions.

- Repeated Level 1 infractions
- Threat or harassment/intimidation/bullying
- Distribution of inappropriate material
- Inappropriate physical engagement, interaction, or altercation
- Chronic misbehavior in school, on grounds or buses
- Repeated disruption of the educational process or substantial interference with the teacher's authority over the classroom
- Blatant disrespectful or insubordinate behavior towards District personnel, defiance, refusal to follow directions
- Cheating, plagiarism, copyright infringement
- Repeated cutting of classes
- Cutting of detention
- Forgery
- Gambling
- Driving infractions on school premises
- Obscene/vulgar language or gestures
- Throwing or propelling objects that result in physical injury
- Third and subsequent violation of possession or use of tobacco, nicotine products such as e-cigarettes (vaping) or any paraphernalia products on school grounds or at school functions (regardless of where such event or activity takes place)
- Truancy - Students may not be suspended from school for truancy, as such a penalty is inconsistent with the educational goal of encouraging children to regularly attend and participate fully in school.

Level 2 Disciplinary Procedures

- The staff member shall complete a student referral form and report the infraction.
- Principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence.
- The parent/legal guardian will be notified as soon as practicable, but within 24 hours, and may request a conference.
- In cases of teacher removal of a student (for up to two (2) ISS for the assigned class period) from class please refer to and strictly comply with steps outlined in the section entitled: **STUDENT DISCIPLINARY PROCESSES - TEACHER REMOVAL OF DISRUPTIVE STUDENTS.**
- In cases of short-term suspension (Out of School Suspension – OSS for 5 days or less), strictly comply with the steps outlined in the section entitled: **STUDENT DISCIPLINARY PROCESSES - SUSPENSION FROM SCHOOL**
- In the case of a suspension of a student with an Individualized Education Plan (IEP), refer to the section entitled: **DISCIPLINARY PROCESS FOR STUDENTS WITH DISABILITIES**
- In cases of suspension of transportation or other privileges, please refer to and strictly comply with the steps outlined in the section entitled: **STUDENT DISCIPLINARY PROCESSES - Suspension of Privileges.**
- Child Protective Services may be contacted, and a report filed.

- The student and incident may be referred to the.
- Referring staff informed of the action taken.
- The principal and/or designee maintains a record of the offense and disciplinary action in the student information system.

Level 2 Disciplinary Options/Consequences

A disciplinary penalty is appropriate if it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be arbitrarily imposed merely because the student does not cooperate with the District’s investigation of an incident and/or does not admit guilt. External suspension of an elementary student (grades UPK-5) should be the rare exception. Other consequence options should be considered, tried, and/or exhausted prior to resorting to external suspension.

Listed below are examples, but not all-inclusive, of Level 2 Options/Consequences.

- Continuation of more stringent Level 1 options
- Parental/legal guardian notification/conference
- In School Suspension (ISS)
- Detention
- School – community service as assigned by an administrator with the consent of the parent/legal guardian
- Suspension from parking privileges
- Suspension from other privileges
- Suspension from participating in athletic events
- Suspension from social or extracurricular activities
- Suspension of school bus privileges
- Teacher removal of a student from a particular class for up to two (2) days
- Suspension from school not over five (5) days
- Referral to or school counselor/psychologist
- Child Protective Services may be contacted, and a report made
- Referral to County Probation/Family Court

Code violations involving possession or use of tobacco/nicotine products will be tracked each school year and a tiered approach for addressing student violations of the code will be applied as follows for the third and subsequent violation(s):

- Confiscation of tobacco/nicotine products
- Notification of caregivers
- The offer of information to the student about available tobacco education and/or cessation programs
- Facilitation of the enrollment of the student in an evidence-based tobacco cessation program if the student expresses an interest on quitting
- A supportive discipline meeting shall take place between the student, their caregivers and at least three staff members in the following roles: administrator or member of student discipline staff, chemical dependency counselor or school-based health center staff member, other student support staff member (as identified by student) to include:
 - A discussion of the following topics: past violations of policy, progress of the student in treatment or other interventions, specific challenges, and barriers to impeding policy adherence, a commitment by the student to avoid infractions and address tobacco usage through on – and off-campus resources and support from staff members and caregiver to ensure success.

- Development of a 60-day plan monitored by a designated staff member to include the collective agreement of consequences that will follow if this plan is not completed.
- The student will be enrolled in an evidence-based tobacco education program as an alternative to suspension.
- Punitive approaches such as suspension or expulsion are only used after supportive approaches listed above have been exhausted or there are extenuating circumstances such as a student was involved in other violations at the time of tobacco violation and/or repeated violations.
- Law enforcement will not be involved in any discipline process for tobacco/nicotine offenses.

Level 3 Infractions

Major disruptions of school order include potential threats to the health and safety of others, or property damage.

Listed below are examples, but not all-inclusive, of Level 3 Infractions.

- Continuation of Level 2 Infractions
- Extortion
- Fighting
- Harassment including but not limited to a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
- Reckless driving on school premises
- Selling, purchasing possessing, using or being under the influence of alcohol or illegal substances on school property or at school functions, including the possession of drug paraphernalia
- The possession or misuse of any substance for the purpose of intoxication
- Stealing
- Trespassing or unauthorized entry or use of school facilities
- Vandalism or destruction of personal property or school property
- Displaying what appears to be a weapon, while on school property or attending a school-sponsored event
- Threatening to use a weapon, while on school property or attending a school-sponsored event

Level 3 Disciplinary Procedures

- The staff member shall complete a student referral form and report the infraction to the principal or principal's designee.
- The principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence.
- The parent/legal guardian will be notified as soon as practicable, but within 24 hours of the infraction and the right to meet with the principal and/or designee may be held before the penalty.
- In cases of teacher removal of a student (for up to two (2) ISS for the assigned class period) from class please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - TEACHER REMOVAL OF DISRUPTIVE PUPILS.
- In cases of short-term suspension (5 days or less), please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - SHORT-TERM SUSPENSION FROM SCHOOL

- Before a referral to a Superintendent’s hearing, a student must be suspended up to a maximum of five days, please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - LONG-TERM SUSPENSION FROM SCHOOL
- In the case of a suspension of a student with an IEP, refer to the section entitled: DISCIPLINARY PROCESS FOR STUDENTS WITH DISABILITIES
- In cases of suspension of transportation or other privileges, please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES- Suspension of Privileges.
- Child Protective Services may be contacted, and a report filed.
- If criminal activity occurred police will be contacted.
- In severe cases, a Superintendent’s hearing may be held.
- Referring staff informed of the action taken.
- The principal and or designee maintains a record of the offense and disciplinary action in the student information system.

Level 3 Disciplinary Options / Consequences

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not arbitrarily be imposed merely because the student does not cooperate with the District’s investigation of an incident and/or does not admit guilt.

Listed below are examples, but not all-inclusive, of Level 3 Options/Consequences.

- Continuation of more stringent Level 2 options
- Parental/legal guardian notification as soon as practicable, but within 24 hours, and allow for a conference
- Suspension from social/extracurricular and athletic activities
- Community service as assigned by the administration with consent from the parent/legal guardian
- Restitution
- Suspension of school bus or parking privileges
- Loss of privileges to participate in school or extracurricular activities
- Teacher removal from class for up to three days
- Short-term suspension (five days or less)
- Child Protective Services report filed, referral to Saratoga County Probation/Family Court
- Filing of a PINS Petition (Person In Need of Supervision)
- Police contacted and report filed
- Referral to Superintendent’s office for hearing

Level 4 Infractions

Misconduct that seriously endangers the health and safety of others and can possibly be categorized as criminal in nature.

Listed below are examples, but not all-inclusive, of Level 4 Infractions.

- Repeated Level 3 infractions
- Possession of firearm or weapon at school, or any device that could be potentially detonated or exploded on school grounds or at a school function, (i.e. live ammunition, fireworks, etc.) *
- Assault with intent to or that causes physical injury

SHERBURNE-EARLVILLE’S CODE OF CONDUCT FOR THE MAINTENANCE OF ORDER ON SCHOOL PROPERTY

- Bomb threat
- Tampering with or creating a false fire alarm
- Arson
- Committing an act of violence upon a school employee

All the stated infractions, or infractions of similar degree, shall result in a five-day minimum suspension from school and referral for a Superintendent's Hearing.

Level 4 Disciplinary Procedures

- The staff member shall complete a student referral form and report the infraction.
- Principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence.
- The parent/legal guardian will be notified as soon as practicable, but within 24 hours, and a conference will be held before the school District imposing a penalty.
- In these severe cases, a Superintendent's hearing shall be held.
- In these cases of long-term suspension (more than 5 days), please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - LONG-TERM SUSPENSION FROM SCHOOL.
- In the case of a suspension of a student with an IEP, refer to the section entitled: DISCIPLINARY PROCESS FOR STUDENTS WITH DISABILITIES.
- Child Protective Services may be contacted, and a report filed.
- If there is criminal activity, police will be contacted.
- The student and incident may be referred to the Superintendent for a hearing.
- Referring staff informed of the action taken.
- The principal and/or designee maintains a record of the offense and disciplinary action in the student information system, and the designated hearing officer maintains a record of the hearing minutes.

Level 4 Disciplinary Options / Consequences

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be arbitrarily imposed merely because the student does not cooperate with the District's investigation of an incident and/or does not admit guilt.

Listed below are examples, but not all-inclusive, of Level 4 Options/Consequences.

- Continuation of more stringent Level 3 options
- Parent/legal guardian conference

Referral to Superintendent's office for hearing

- Police contacted and report filed
- Restitution
- Referral to or school counselor/psychologist
- Child Protective Services report filed
- Filing of a PINS Petition (Person In Need of Supervision)

Minimum Suspension Periods

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

SHERBURNE-EARLVILLE'S CODE OF CONDUCT FOR THE MAINTENANCE OF ORDER ON SCHOOL PROPERTY

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

1. Students who bring a weapon to school:

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

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

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

Referrals

1. Counseling/Other Support Agencies

When any student need is beyond the scope of the District's resources, a referral to appropriate human service agencies will be made. The Guidance Office shall handle all referrals of students to counseling and other appropriate human services agencies, as needed.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by the State Education Law.
- b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.

3. Juvenile Delinquents and Juvenile Offenders

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

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the State Criminal Procedure Law.

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

STUDENT DISCIPLINARY PROCESSES

Students are expected to behave in ways that support learning, are respectful of themselves and others, and in accordance with established school rules and the Code of Conduct. In some cases, or violations of established rules and Code of Conduct, discipline or suspension from school may be warranted. The following guidelines have been established for all District staff to follow in the event of any student discipline:

- 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/person(s) in parental relation to solve the problem (teachers, school counselor, psychologist, social worker, attendance officer, etc.).
- Utilize all school and community agencies which might prove helpful.
Record all attempts to deal with problems, including conferences with parents/person(s) in parental relation, teacher observations, record of referrals to other personnel and agencies and their reports.
- School personnel shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period. A student may be suspended:
 - Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, health and welfare of others, OR

- Whose physical or mental condition endangers the health, safety of himself/herself/themself or of others.
- When the 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 oneself or others is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent of Schools.
 - A "violent student" is defined in Education Law as an elementary or secondary student under twenty-one (21) years of age who:
 - Commits an act of violence upon a teacher, administrator, or other school employee;
 - Commits, while on school property or at a school-sponsored event, an act of violence upon another student or any other person lawfully upon said property;
 - Possesses, while on school property or at a school-sponsored event, a gun, knife, explosive or incendiary bomb, or other dangerous instruments capable of causing physical injury or death;
 - Displays, while on school property or at a school-sponsored event, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instruments capable of causing death or physical injury;
 - Threatens, while on school property or at a school-sponsored event, to use any instrument that appears capable of causing physical injury or death;
 - Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School District employee or any person lawfully upon School District property;
 - Knowingly and intentionally damages or destroys School District property
- School personnel are required to immediately report and refer violent students to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such a 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 (21) 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 Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" 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 District's Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.
- Pursuant to the District's Code of Conduct, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

1. Teacher Removal of Student from Classroom

- The teacher shall inform the principal or the principal's designee of the reasons for the removal.
- The teacher must provide the student with an explanation of the basis for the removal.
- The student shall be allowed to informally present the student's version of the relevant facts to the teacher before the removal from the classroom.

- In cases where the teacher finds the student's conduct to not only be substantially disruptive, but the student's presence poses a continuing danger to persons or property or represents an ongoing threat of disruption to the academic process, the teacher has 24 hours from the student's removal to provide the student the requisite explanation of the basis of removal and provide the informal opportunity for the student to be heard.
- When a student of any age is removed from class by a teacher, immediate steps must be taken to provide alternative means of instruction for the student. Alternative instruction does not have to match every aspect of the instructional program the student received before the removal from the classroom.
- The principal or principal's designee must inform the student's parent(s)/legal guardian of the removal and the reasons, as soon as practicable, but within 24 hours of the removal and, on request, give the student and the student's parent/legal guardian an opportunity for an informal conference to discuss the removal.
- If the student denies the charge, the principal or principal's designee must provide for an informal hearing within 48 hours of the removal for the student and the student's parent(s)/legal guardian to present the student's version.
- The principal or the principal's designee may set aside the teacher's disciplinary action upon a finding that the charges against the student are unsupported by substantial evidence, or that the removal constitutes a violation of law or the conduct warrants suspension from school, and a suspension will be imposed. Said determination must be made by the close of the day after the 48 hours for an informal hearing.
- A student removed from the classroom by the teacher can return to the classroom only after the principal or the principal's designee determines to set aside the removal or the period of removal expires, whichever is less.

2. Short-term Suspension (five days or less)

- When a student is suspended from school and is of compulsory attendance age, immediate steps will be taken to provide tutoring or alternative instruction to support the student's academic needs. See the section below regarding the suspension of a student classified as having a disability or a student presumed to have a disability.
- The Superintendent and/or the Principal (the "suspending authority") of the school which the student attends has the authority to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "acting principal" may then suspend a student for a period of five (5) school days or less.
- When the Superintendent or the building Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall 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 suspension.
- When suspension of a student for a period of five (5) school days or less is proposed, the "suspending authority" will also immediately notify the parent/legal guardian in writing that the student may be suspended from school.
- Principal Hearings shall not exceed a 5-day suspension. Any suspensions beyond 5 days must go through the Superintendent Hearing process.
- Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/legal guardian. Notification by regular mail does not constitute sufficient notice; neither does notice sent by registered mail return

receipt requested. Further, the notice must be in the parent's/legal guardian's dominant language or mode of communication whenever practicable. The only exception for giving written notice prior to the suspension is when the student's presence is a continuing danger to the person or property or an ongoing threat of disruption of the academic process.

- Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) to contact parents/legal guardians. Leaving a voice message could lead to the violation of a student's privacy and should not occur. Verbal or oral communication with the parent(s)/legal guardian regarding a suspension is not a substitute for the required written notification that must be given before the actual suspension.
- The short-term suspension notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent/legal guardian of their right to request an immediate informal conference with the Principal or designee in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/legal guardian.
- The notice and opportunity for an informal conference will take place before Out of School Suspension (OSS) of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and, upon request, to ask questions of the complaining witness(es). The informal conference with the parent(s)/legal guardian must be conducted by the principal or designee.
- When a student of any age is suspended from school, immediate steps must be taken to provide alternative means of instruction for the student. Such alternative instruction must begin within one or two days of suspension. Alternative instruction does not have to match every aspect of the instructional program the student received before the removal from the classroom. A suspension may be carried over to the following school year when misconduct occurs at the end of the school year and the suspension can be meaningfully implemented only at the beginning of the following school year.
- When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be in the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

3. Long-term Suspension (in excess of five days)

- A student may not be suspended for a period in excess of five (5) school days unless the parent/legal guardian of the student shall have had an opportunity for a Superintendent's Hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on the student's behalf and the right to cross-examine witnesses against the student. A hearing is an administrative proceeding conducted in accordance with Section 3214 of the Education Law to determine whether a student is guilty of misconduct that warrants a long-term suspension from school.
- Principal suspensions shall not exceed a 5-day suspension. Any suspensions beyond 5 days must go through the Superintendent Hearing process.
- In situations where the suspending authority determines that a suspension in excess of five (5) school days (OSS) may be warranted, the student and parent/legal guardian upon reasonable notice (based on the Commissioner's decision, a single day is insufficient must be a minimum of three days' notice). The notice of the hearing should advise the student of the grounds for the charges in specific enough terms to

enable the student to anticipate reasonably the subject content of the proposed hearing and to prepare a defense. The administrator bringing the charges must furnish the Superintendent of Schools with all records and written reports on the facts and charges.

- At the hearing, the student will have the right of representation by counsel, with the right to question witnesses against the student, and the right to present witnesses and other evidence on the student's behalf. An interpreter should be available, if needed.
- The student is not allowed on campus until the superintendent hearing is completed and the findings are presented.
- At the hearing, the student may testify on their own behalf and is free to cross-examine witnesses.
- Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct student disciplinary hearings. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board may accept or reject all or any part of such report.
- Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any type of firearm, explosive, or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, or item being intentionally used as a weapon; the hearing officer or Superintendent will 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.
- A record of the hearing will be maintained, but no stenographic transcript will be required, and a tape recording will be deemed a satisfactory record.
- If the District is forced to postpone a hearing and the initial short-term suspension period has expired, the student must be allowed to return to school in the interim, unless the student's parent/legal guardian has consented to the delay. If the parent/guardian seeks a postponement of a hearing, the student remains out of school until the completion of the hearing.
- Students, together with their parents/legal guardian, may elect to either proceed to a hearing, or waive their right and accept the District's proposed long-term suspension. Any such waiver must be in writing, and it must be clear that the student and parent/legal guardian understand all the rights being waived and the consequences of waiving those rights. A parent's/legal guardian's failure to request a hearing cannot be interpreted as a waiver of rights to a hearing.
- When a student of any age is suspended from school, immediate steps must be taken to provide alternative means of instruction for the student. Such alternative instruction must begin within one or two days of suspension. Alternative instruction does not have to match every aspect of the instructional program the student received prior to the removal from the classroom.
- The decision of the Superintendent regarding the long-term suspension may be appealed to the Board of Education, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing, specifying the reason for the appeal, and submitted to the District Clerk within thirty (30) business days of the date of the Superintendent's decision. There will be no personal appearances before the Board; the appeal will be considered solely in writing. The Board will not convene to consider and decided an appeal unless the full record of the appeal has been compiled and provided to the Board, and at least ten (10) business days remain before the next scheduled Board of Education meeting. If the written appeal is not received and the appeal record has not been compiled in full and provided to the Board at least ten (10) business days before the next scheduled Board meeting, then the appeal will not be considered and decided at that meeting. It will instead be considered at a later

regularly scheduled Board meeting. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

4. In School Suspension (ISS) – Elementary, Middle, and High School

- In School Suspension (ISS) is imposed by building administration.
- Although not subject to a formal process, the parents/legal guardians must be provided with the opportunity for an informal conference with the individual who was suspended to discuss the student’s misconduct and the penalty involved.
- In School Suspension (ISS) shall not prevent, prohibit, or otherwise impede a student’s access to appropriate instruction. Students shall receive substantially equivalent, alternative instruction.

5. Suspension from Privileges (Transportation, Social Functions, Extracurricular Activities, and other privileges)

Suspension from Transportation

- Suspension from transportation services does not require a full, formal hearing as required with long-term suspension cases.
- A suspension from transportation, in and of itself, does not affect a student’s right to attend school.
- A parent/legal guardian may request, has the right, and should be afforded an opportunity to informally discuss the facts underlying the suspension with the principal or designee, and the Coordinator of Transportation or designee.
- The District must be reasonably certain that the student being suspended was involved in the misconduct supporting the suspension.
- Where suspending a student from school transportation amounts to a suspension from school attendance because of the distance between home and school and the unavailability of an alternative public or private means of transportation, the District must make “appropriate arrangements” to provide for the student’s education.

Suspension from Social Functions, Special Recognitions* or Extra-curricular Activities

- Suspension from social functions, special recognitions or extra-curricular activities does not require a full, formal hearing as required with long-term suspension cases.
- A suspension from social functions or extracurricular activities, in and of itself, does not affect a student’s right to attend school.
- A parent/legal guardian may request, has the right, and should be afforded an opportunity to informally discuss the facts underlying the suspension with the principal or designee.

* Special recognitions include but are not limited to honors, scholarships, and other accolades at which the student represents the school or District as an example to others.

DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES

Students with disabilities are expected to follow the Code of Conduct at Sherburne-Earlville. However, if a student with a disability violates the school Code of Conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e., removal for more than 10 consecutive days or a series of removals that in the aggregate total more than 10 school days) a manifestation team meeting must be convened.

Manifestation Team

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

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board of Education, District Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent/legal guardian, and relevant members of the Committee on Special Education (CSE) as determined by the parent/legal guardian and the District.

The parent/legal guardian must receive written notification before any manifestation team meeting to ensure that the parent/legal guardian has an opportunity to attend. The notification must inform the parent/legal guardian of:

- The purpose of the meeting.
- The names of the individuals expected to attend.
- His/her/their right to have relevant members of the CSE participate at the parent's/legal guardian's request.

The manifestation team must review all relevant information in the student's file including:

- The student's Individual Educational Plan.
- Any teacher observations.
- Any relevant information provided by the parent/legal guardian.

Upon review of the above information, the manifestation team must determine:

- If the conduct in question was caused by or had a direct and substantial relationship to the student's disability.
- If the conduct in question was the direct result of the school's failure to implement the Individual Educational Plan.

Finding of Manifestation

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school District's failure to implement the Individual Educational Plan:

- The Committee on Special Education must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and
- Except for removals for drugs, weapons, or serious bodily injury pursuant to Section 201.7 of the Regulations of the Commissioner, the student must be returned to the placement from which the student was removed, unless the parent/legal guardian and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

A student with a disability may be removed from class to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons, and serious bodily injury for up to 45 school days regardless of the manifestation determination.

A student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days) in a school year, must be provided with educational services in an interim alternative educational setting (IAES), as determined by the Committee on Special Education, that enables the student to:

- Continue to participate in the general education curriculum;
- Progress toward meeting the goals set out in the student's Individual Educational Plan and;
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation, so it does not recur.

If a parent/legal guardian requests an impartial hearing or an appeal regarding the change in placement for their child to an interim alternative educational setting or the manifestation determination, the student must remain in his, her, or their interim alternative educational setting pending the decision of the independent hearing officer or until the expiration of the time of the removal, whichever occurs first, unless the parents/legal guardians and the School District agree otherwise.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/legal guardian to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure to oneself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

- b) Where a student 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 jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 - 1. Substantial risk of death;
 - 2. Extreme physical pain; or
 - 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

Students who are suspected of having a disability but are not currently identified under IDEA or Section 504 may be eligible for any protections available to students with disabilities as determined in accordance with law and/or regulations as referenced below.

Basis of Knowledge

The District shall be deemed to know that the student had a disability if before the time the behavior occurred:

- a. The parent/legal guardian of the student has expressed concern verbally or in writing to supervisory or administrative personnel, or a teacher of the student, that the student requires special education and related services;
- b. The parent/legal guardian of the student has requested an evaluation of the student; or
- c. A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a. The parent/legal guardian of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b. The evaluation is scheduled but has not yet occurred;
- c. The parent/legal guardian of the student has refused services under law and/or regulations; or

- d. The student has been evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent/legal guardian of the student or by District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools or designee, the Principal or designee imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

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

However, if a request for an individual evaluation is made during the time in which such a non-disabled student is subjected to disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents/legal guardians, the District shall provide education and related services in accordance with law and/or regulations.

DISCIPLINE PROCEDURES FOR STUDENTS ATTENDING BOCES

The BOCES Principal may suspend District students from BOCES classes for a period not to exceed five (5) school days (OSS) when student behavior warrants such action. The home school will review the infraction and make a determination if a suspension from school is duly warranted. Further, if a student is suspended from his/her/their homeschool, said individual shall not attend BOCES during the period of suspension.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with the student's class work while attempting to reinforce acceptable behavior, attitudes, and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered an act within the School District itself. A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or designee.

Exhaustion of Administrative Remedies

If a parent/legal guardian wishes to appeal the decision of the Building Principal or designee and/or Superintendent or designee to suspend a student from school (OSS), regardless of the length of the student's suspension, the parent/legal guardian must appeal to the Board of Education before commencing an appeal to the Commissioner of Education.

DISCIPLINE PROCEDURES FOR STUDENTS USING TRANSPORTATION

A. EXPECTATIONS FOR STUDENTS USING SCHOOL TRANSPORTATION

The safety of all students is the primary goal. Each student has an individual responsibility to help ensure the safety of all students on the bus by following the rules. All the prohibited behaviors described in the Code of Conduct for the Maintenance of Order on School Property apply to the privilege of riding school buses (and charter buses) to and from school and school activities.

While coming to school, going home, and riding buses for extracurricular events, or field trips a student is expected to:

- Refrain from the use of technology that significantly distracts or impairs the safe transportation of students and/or violates the personal space of passengers.
- Behave in an orderly manner at the bus stop/bus port.
- Wait for the driver's hand signal or direction, look both ways if crossing a road, then cross the road.
- Enter and leave the bus in an orderly fashion.
- Stay in a seat, facing forward, in one's own space.
- For student health and safety reasons there is no eating or drinking on the bus.
- Refrain from throwing or shooting anything on the bus.
- Keep head and hands inside the bus.
- Keep track of belongings and check the seat before leaving the bus.
- Respect the property of others including the bus.
- Refrain from using language or gestures that are profane, lewd, vulgar, or abusive.
- Refrain from any actions or activities that may distract the driver.
- Follow all instructions from the bus driver or other school personnel on the bus.

To ensure safety, students may not bring animals or large objects, including skis, large musical instruments, and skateboards on the bus. (Please see guidance on the District's Transportation website.)

B. LEVELS OF INFRACTIONS, PROCEDURES, AND CONSEQUENCES

Level 1 Infractions

Any misbehavior that represents a minor infraction of the established procedure is considered a Level 1 misbehavior. The frequency of occurrence shall also determine the appropriate disciplinary response and the reclassification at a higher level.

Listed below are examples, but not all-inclusive, of Level 1 Infractions.

- Loud or inappropriate language.
- Eating or drinking on the bus.
- Leaving garbage/mess on the bus.
- Teasing/name-calling.
- Standing or changing seats while the bus is in motion.
- Exiting the school bus at an unauthorized spot without prior approval.

Level 1 Procedures

1. The bus driver, principal/associate/assistant principal, principal's aide, bus attendant, Coordinator of Transportation, or designee investigates and intervenes where appropriate and provides a warning to the student.
2. Referral for Misbehavior:
 - The student is immediately brought to the school principal, associate, or assistant principal.

- In cases of repetitive misbehavior, the bus driver will complete a Bus Referral form and submit it to the transportation office. The completed form will be sent to the student's school.
- A student will be seen by an appropriate building staff member as determined by the principal and, if determined, assigned an appropriate disciplinary consequence.
- A copy of the written referral will be sent home to parents/legal guardians.

Level 1 Disciplinary Options/Consequences:

Listed below are examples, but not all-inclusive, of Level 1 Options/Consequences.

- Document behavior.
- Assigned seating.
- Parent notification, as soon as practicable, but within 24 hours.
- Detention following three infractions and following any additional infractions beyond the initial three.
- Talk with the student - provide immediate adult counsel.
- School Community Service - (including but not limited to bus cleaning)

Level 2 infractions

Any misbehavior whose frequency or seriousness tends to diminish the driver's authority or if continued would pose a threat to the safety of student(s) and the driver shall be treated as a Level 2 infraction.

Listed below are examples, but not all-inclusive, of Level 2 infractions:

- Repeated Level 1 infractions.
- Using obscene language.
- Bullying.
- Running or standing in the aisle while the bus is in motion.
- Throwing objects.
- Smoking or using tobacco or e-cigarette (vaping) products on a school bus.
- Refusal to follow the bus driver's or bus attendant's directions.
- Minor damage/vandalism (e.g., writing on the seat).
- Blocking the aisle when others are coming on or leaving the bus.
- Climbing over bus seats.
- Bringing live insects, reptiles, or other animals on the bus.

Level 2 Procedures

- Referral for misbehavior.
- The bus driver or bus attendant asks the student to immediately stop the identified misbehavior.
- The bus driver or bus attendant will complete a Bus Referral form and submit it to the transportation office. The completed form will be sent to the student's school.
- Building administrator meets with the student and determines appropriate disciplinary consequences.
- Parent/legal guardian is notified (a conference can be scheduled).

Level 2 Disciplinary Options/Consequences:

Listed below are examples, but not all-inclusive, of Level 2 Options/Consequences.

- Parent/legal guardian notification as soon as practicable, but within 24 hours, and arrangement for a conference.

- Restitution.
- Continuation of more stringent Level I options.
- Temporary withdrawal of bus privileges.

Level 3 Infractions

Any misbehavior whose consequences may pose a threat to the health and safety of the student, other students, or the bus driver is considered a Level 3 infraction.

Listed below are examples, but not all-inclusive, of Level 3 infractions:

- Repeated Level 1 and/or Level 2 infractions.
- Serious vandalism (e.g., cutting seats).
- Fighting on the bus or at the bus stop.
- Opening emergency exits.
- Possession of a weapon.
- Use or possession/sale of drugs/alcohol, e-cigarettes (vaping).
- Throwing an object at the driver or bus attendant or at the driver area.
- Harassment.
- Disrespectful behavior toward the driver/bus attendant including profanity, gestures, and not following the driver's directions.
- Not following crossing procedures.
- Putting head/arms/legs outside the bus window.
- Pointing any laser device at the driver's or student's eyes.
- Using flammable material such as matches or cigarette lighter or any accelerant.
- Inappropriate touching.

Level 3 Procedures

- Referral for misbehavior.
- Bus driver or bus attendant requests the student to immediately stop the identified behavior.
- The bus driver or bus attendant will complete a Bus Referral form and submit it to the transportation office.
- Head Bus Driver sends a report to the building and contacts the building administrator.
- Building administrator meets with the student to determine disciplinary action.
- Parent/legal guardian is notified immediately, and a conference is requested.
- Head Bus Driver or building administrator notifies police if criminal activity occurred.

Level 3 Disciplinary Options/Consequences:

- Continuation of more stringent Level 2 options.
- Parent/legal guardian notification as soon as practicable, but within 24 hours, and arrangement for a conference.
- Temporary or permanent withdrawal of bus privileges.
- Suspension from school (In-school or out).
- Police report filed.
- Referral to the Superintendent's office.

IN-SERVICE EDUCATION

The District will sponsor in-service education programs for all District staff members to ensure the effective implementation of the Code of Conduct, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees and to including safe and supportive school climate concepts in the curriculum and classroom management.

In-service education programs shall also include training on 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, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.