

## **DISTRICT CODE OF CONDUCT**

### **INTRODUCTION**

The Wappingers Central School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, it is committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with students, teachers, administrators and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;

- encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. To that end, the District provides a variety of programs and services which promote the development of good character, including the knowledge, skills, and abilities that enable each student to make informed, responsible choices. The Board of Education is responsible for ensuring that essential policies are established to effectively promote safety, as well as the social, physical, emotional, and intellectual growth of the students. Administrative regulations and practices are developed and enforced by the school administration and staff. Rather than being solely punitive in nature, the primary focus of discipline in the WCSD shall be to teach students appropriate behavior and good decision-making skills.

The parent/guardian is expected to assume primary responsibility for the behavior of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, the school will encourage parent-school communication.

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

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

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

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due processes of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended long-term from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative equivalent instruction following suspension.

### **RIGHTS OF STUDENTS**

We believe students have the right

- to be provided with an education that is intellectually challenging and relevant to demands of the 21<sup>st</sup> century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
- to be informed of all school rules;
- be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are bestowed the following rights:

1. **Student Expression** – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student’s freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** – Students, in light of constitutionally protected free speech rights, may wear buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under “school newspaper” and “dress code.”
3. **Student Activities** – All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate behavior as established by the student Code of Conduct and any additional rules announced specifically for participation in extra and/or co-curricular activities.
4. **Student Government** – Students are encouraged to participate in the various student governmental bodies established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve as officers of the government. Elections for student government shall be conducted in accordance with the principles of democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas

of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

5. **Student Clubs and Other Students Organizations** – The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights (Search and Seizure)** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and used by the student.
7. **Pregnant Students** – During pregnancy and the period of pregnancy-related disability that follows childbirth; a student shall be entitled to home instruction, upon request.
8. **Student Grievances and Complaints** –If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievance or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed

satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

## **RESPONSIBILITIES OF STUDENTS**

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

- to accept responsibility for his/her actions;
- to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this Code and seek interpretation of parts not understood;
- to actively discourage inappropriate behavior of other students (including bullying but not limited to) and report the incidents to the administration.

## **THE ROLE OF SCHOOL PERSONNEL**

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

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal, Assistant Principal, or acting building principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

## **THE ROLE OF PARENTS**

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

- to show an enthusiastic and supportive attitude toward school and education;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to insist on timely and regular attendance;
- to listen to the views and observations of all parties in a dispute;
- to recognize that teachers merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school-related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;

- to help their child learn to deal effectively with negative peer pressure;
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

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

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the Code of Conduct is clearly communicated to students, parents, staff and the school community;
- ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews and adopts the Code of Conduct.

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

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for the students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthy atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;



- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;
- demonstrate desirable standards of behavior through personal example.

## **THE ROLE OF TEACHERS**

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

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- plan and conduct a product of instruction that will make learning challenging and stimulating;

- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between student misconduct best handled by the teacher and major issues requiring the assistance of an administrator;
- teach the common courtesies by rules and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify the appropriate personnel;
- be available to students to help resolve conflicts or to intervene on their behalf;
- send communications home promptly;
- report to the Principal or Assistant Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve in loco parentis in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the discipline code to students;
- enforce the Code in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
- in the event of removal from class, inform the student and the Principal or Assistant Principal of the reason

for the removal and listen to the student's explanation for his/her behavior (see Guidelines for Student Removal);

- immediately report and refer violent students to the Principal, Assistant Principal, SRO and/or Superintendent of Schools.

## **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the Superintendent of Schools and

Central Administrators must:

- reinforce the indicated responsibilities of the Principals and make them equally applicable K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective "Code of Conduct" supportable by students, parents, staff, and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct;

**CODE OF CONDUCT VIOLATIONS WITH PENALTY**  
**REFERENCES K-12**

1. Acts which disrupt instruction (1,2,3,4)
2. Repeated or serious acts that interfere with the teacher's authority in class (2,3,4,5)
3. Using foul language and/or indecent gestures (1,2,3,4)
4. Failure to follow school rules and staff directions (1,2,3,4)
5. Dress or grooming which is not appropriate as described in this code (1,2,3)
6. Possessing or sharing obscene materials (1,2,3,4,5)
7. Smoking or other tobacco use including smokeless vapor cigarettes (4, 5, notification to Dutchess County Health Dept.)
8. Cheating in any school sponsored academic setting (1,2,3,4)
9. Choosing not to obey the directions of school staff (insubordination) (1,2,3,4,5)
10. Fighting between students where no dangerous instruments are involved and no person is injured in the event (2,3,4,5)
11. Fighting between students where harm is caused to one or more of the students present (5,6) \*\*
12. A fight involving the use or threatened use of a dangerous or deadly weapon (5,6,7,8) \*\*
13. Any violent act against a teacher or other staff member, as described in this code (4,5,6) \*\*
14. Any violent act against another as described in this code (4,5,6) \*\*
15. Possession of dangerous or deadly weapons on school property (6,7,8)\*\*
16. Possession or use of illegal drugs to be such drugs or alcohol, at school or while attending school function (5,6) \*\*
17. Sale or other distribution of illegal drugs, alcohol or counterfeit, dangerous drugs, counterfeit drugs or alcohol or a substance which the individual believes or represents to be such drugs or alcohol at school or while at school functions (5,6,7,8) \*\*
18. Possession and/or use of fireworks on school property or at school function (4,5,6) \*\*

19. Acts which constitute a misdemeanor while on school property or at a school function (5, 6) \*\*
20. Acts which constitute a felony while on school property or at a school function (5,6) \*\*
21. Gambling (3,4,5,6) \*\*
22. Hazing (4,5,6) \*\*
23. Lewd behavior (2,3,4,5,6) \*\*
24. Extortion (4,5,6) \*\*
25. Plagiarism (1,2,3,4)
26. Arson (5,6,7,8) \*\*
27. Vandalism or destruction of school property (3,4,5,6) \*\*
28. Theft of school property (4,5,6) \*\*
29. Possession or use of beepers, lighters, light or laser pointers, laptops or other electronic devices during the school day (confiscation, 2,3,4)
30. Use of cell phones is prohibited (confiscation 2,3,4)
31. Violation of the district computer use policy (1,2,3,4,5, suspension of computer privileges)
32. Eating or drinking outside of lunch periods or where prohibited (1,2,3)
33. Activation of a false alarm, bomb threat or other disaster alarm (5,6,) \*\*
34. Forgery or fraud (3,4,5) \*\*
35. Harassment (sexual, racial, etc.) (2,3,4,5,6) \*\*
36. Intimidation or coercion (3,4,5,6)
37. Leaving school grounds without permission (3,4)
38. Public displays of affection beyond hand holding (1,2,3)
39. Theft of personal property (2,3,4,5,6) \*\*
40. Trespassing (no permission to be on school grounds) while suspended from school (1)\*\*
41. Bullying (1,2, 3, 4, 5, 6)
42. Spitting (1, 2, 3, 4)

\*\*All violations of the law will be reported to law enforcement officers.

### **DISCIPLINARY MEASURES (K – 12)**

1. Warnings (oral or written).
2. Lunch detention or loss of all recess for one or more days or temporary removal from classroom to alternative setting.
3. After school detention
4. Suspension from classes and placement in alternative setting for up to five school days (ISS).\*
5. Suspension from school for up to five school days.
6. Suspension from school in excess of five school days.
7. Suspension from school for at least one year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five days.
8. Placement in an interim alternative educational setting for a period of up to forty-five days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.

\*Teachers have the statutory right to remove a disruptive student from the classroom.

## **EXPECTATIONS FOR GOOD CONDUCT**

All students are expected to behave respectfully toward each other and toward school staff. It should be noted that misconduct at the end of one school year may carry consequences into the following school year. *Special note for Seniors:* Misconduct at the end of a senior's school year may jeopardize his/her privilege of participating in the graduation ceremonies.

## **COMPUTER AND INTERNET USE**

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

- E-mail originating from the school premises or received at the school premises that a student user creates that:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
- internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
- computer and/or Internet use that is not school related or is unauthorized.

- permitting the use of a student's computer access code by any other person. Such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's access code number.
- misuse of hardware.
- violation of WCSD Policy #4526.1 – "Internet: Acceptable Use Policy"

### **ATTENDANCE**

We believe attendance influences academic achievement. Classroom lessons foster and require social interaction, development of effective communication skills, and critical thinking in addition to subject mastery. Textbook or make-up assignments are not adequate substitutes for classroom attendance and participation.

Excused absences include: Illness of student; illness or death in family/immediate and extended/significant other; urgent medical appointment, which is documented as unable to be scheduled outside the school day; documented religious observance; documented mandatory legal circumstances; documented quarantine; impassible roads; other absences which may have been approved by the Commissioner of Education.

All other absences are unexcused absences. They include, but are not limited to: Absent without permission; four (4) incidents of being late less than fifteen (15) minutes without an authorized pass will result in one (1) unexcused absence; not reporting to the designated location after obtaining an authorized pass from a class; leaving school due to illness without the permission of the nurse; leaving school due to an emergency situation without the permission of the Principal or designee; vacation.

Teachers will maintain careful and accurate attendance records on the school attendance recording system that include



classroom absences and lateness to class with the understanding that these are official documents.

Students must bring in a note signed by a parent/guardian when returning to school after an absence. This note should include the child's name, ID number, date(s) of absence, and reason for absence.

A student with an unauthorized absence from school is considered **truant**:

- First referral (elementary K-5) - After ten days of absence/tardy a letter will be sent to the parent with a copy placed in the student's cumulative file.
- Second referral (elementary K-5) - After fifteen days of absence/tardy, a referral to the Learning Improvement Team and parent conference will be made. A follow up letter will be sent to the parent and a copy placed in the cumulative file.
- Third referral (elementary K-5) - After 21 days, a referral to the appropriate authorities will be made. A letter will be sent to the parent and a copy placed in the cumulative file.
  
- First referral (secondary 6-12) – The student will be referred to an administrator. The teacher will contact the parent/guardian. Discipline will range from detention to in-school restriction.
- Second referral (secondary 6-12) – The teacher will complete a referral to the appropriate administrator. The teacher will contact the parent/guardian. Guidance may be involved in counseling the student. Parent communication will be from an administrative office. Discipline will range from detention to in-school restriction.
- Third referral (secondary 6-12) – A referral will be made to the appropriate administrator and the student will be assigned discipline including in-house restriction and interventions with academic support. The teacher will contact the parent/guardian. Administrative conference will be held involving

parent, teacher, and student. Parent communication will be from an administrative office.

- Fourth referral (secondary 6-12) – The student may be referred to an Intervention Team/ Administrator for parent conference. The Intervention Team will be comprised of an administrator, social worker/psychologist, general education teacher/special education teacher, and nurse. Discipline may include loss of privileges, referral to Youth Services, and further discipline such as in-house restriction. The teacher will contact the parent/guardian.
- Fifth referral (secondary 6-12) – A referral will be made to the appropriate administrator. The teacher will contact the parent/guardian. A Principal's conference may be held involving parent, student, and guidance counselor.

### **OFF-CAMPUS BEHAVIOR**

A student may be subject to discipline for conduct constituting a crime even if it is committed off school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools. As per Board of Education policy, students can be subject to alcohol screening while on school campus or school sponsored events off campus. Students who do not cooperate will be required to leave the activity or event immediately in the custody of his/her parent or guardian. Students who test positive for alcohol will not be allowed to remain in attendance at the event and will be required to leave the activity or event immediately in the custody of his/her parent or guardian. Such student(s) will also be disciplined according to this Student Code of Conduct. No refunds will be provided to these students or their guests.

## **DRESS AND GROOMING**

Students are expected to be dressed and groomed in an appropriate manner. Students **must** be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes. The following are considered to be inappropriate and **are prohibited in school or at school functions:**

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., gang wear, heavy jewelry or jewelry with spikes or chains which can injure the students or others);
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body, midriff, or any undergarments (for example: T-shirts with sexual metaphors; see-through garments, extremely plunging necklines or waistlines, boxers, bra straps, peek-a-boo tops, halter tops, spaghetti straps, tube tops);
- any dress or appearance that hides or changes a student's identity (ex. Masks, sunglasses, hoods, etc.)
- any dress or appearance which encourages or advocates the use of drugs, alcohol, and/or tobacco;
- any dress or appearance which encourages illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- any dress or appearance which, in the judgment of the school administration, may be reasonably forecast to cause a material or substantial disruption.

## **STAYING ON CAMPUS DURING THE SCHOOL DAY**

Upon arrival at school, students may **not** leave the school grounds during the day under any circumstances without prior

administrative authorization. Administrative authorization may be in the form of either a permanent early dismissal or a temporary one arranged on an “as needed” basis through the Attendance office, Grade Level Assistant Principal Office, or Main Office with parental permission. Failure to remain on campus during the school day may result in disciplinary measures including, but not limited to, in-school restriction or alternative to suspension. In addition to these disciplinary measures, students may also be subject to YSU/PINS referrals, as well as hall restrictions.

### **USE OF STUDENT LOCKERS**

Student lockers are the property of the school district. These lockers are for the storage of scholastic materials and for personal clothing. Students are responsible for the appropriate appearance and condition of their lockers. School administrators reserve the right to search lockers.

Students will have access to a locker for their physical education class and should utilize this locker for all valuables. Students are discouraged from bringing valuables to school and should never leave these unattended in the gym locker rooms. Gym lockers are not assigned to each student so leaving items overnight is discouraged. Loss of personal items (such as cell phones, Ipods, jewelry or money) is not the responsibility of the school or District.

Students are not permitted to share lockers or lock combinations with other students to avoid the loss of personal items. Students are strongly encouraged to keep their lockers locked at all times to safeguard their possessions. Students who abuse their lockers or share lockers with other students will be subject to losing their locker privileges.

Students are responsible for the two locks (one for gym locker) they are issued for the school year. There will be a fee incurred to replace lost or stolen locks. Student lockers are not to be shared or changed without permission from administration or personnel in charge of lockers.

## **RECREATIONAL VEHICLES AND EQUIPMENT**

All forms of recreational vehicles are prohibited. Recreational vehicles include, but are not limited to trail bikes, mini bikes, unregistered motorcycles, dune buggies, mopeds, snowmobiles, motor homes, trailers, camping vehicles, scooters, skateboards and roller blades. Building administrators may make exceptions for school-related and approved functions.

## **PROMPTNESS TO SCHOOL, CLASS, HOMEROOM, STUDY HALLS**

Being on time shows respect for your teachers and classmates and helps you develop good work habits. Tardiness is defined as entering the classroom after the official beginning of class (i.e. at the bell), without a pass **or a valid reason**. Students going to the cafeteria, library or PE are expected to be there by the time the late bell rings.

Tardiness will have the following consequences:

- a) For the first three offenses, a teacher's warning and a teacher phone call to the parent.
- b) After chronic tardiness (i.e., three in a ten-week period), a referral to administration will result.
- c) Chronic tardiness will result in progressive disciplinary actions (ex. warning, parent contact, detention, in-school restriction).
- d) Tardy students will not be denied entrance to class.

## **SUBSTANCE ABUSE**

Students shall not possess, transfer, use, sell or otherwise furnish or be under the influence of any illegal and/or controlled substance, drug paraphernalia, alcoholic beverage or an intoxicant of any kind on school property or at a school function.. Students shall not transfer, furnish, offer, arrange or negotiate to sell any controlled substance, drug paraphernalia, alcoholic beverage or intoxicant of any kind, and then either sell, deliver or otherwise furnish to any person another liquid, substance or material and represent the liquid, substance or

material as a controlled substance, alcoholic beverage or intoxicant. Students shall not transfer, furnish, possess or offer, arrange or negotiate to sell any drug paraphernalia. Students shall not possess, transfer, use or sell “over the counter” or prescription drugs. Where necessary, a search of the student and his possessions will be conducted by an administrator or administrator designee. Students suspected of drinking alcohol may be required to submit to an Alco-sensor test.

Students violating this policy may be suspended for any act which is related to school activity or attendance which occurs anytime, including, but not limited to while the student is on school grounds, going or coming from school or while going to or coming from a school-sponsored activity.

The school, once it determines that a student has violated this policy, will notify the appropriate law enforcement or juvenile agency. When the school releases a student to a peace officer for the purpose of removing the student from the school premises, the school shall take immediate steps to notify the parent, guardian or responsible relative of the student regarding the release of the student to the officer and regarding the place to which the student is reportedly taken.

Prior to re-admittance, all attempts will be made to counsel both parents and student as to the perceived severity of the problem and to suggest involvement with appropriate professional support agencies. The student, if and when re-admitted to school, will be required to become involved with the Student Assistance Counselor.

A student in violation of the policy may be immediately suspended for a minimum of five days with the probability of a Superintendent’s Hearing that may result in a long term or permanent suspension (3214). Students violating this policy may also be subject to corrective action as deemed appropriate by the school, including being placed in an alternative education program.

## **CONTRABAND/WEAPONS/DANGEROUS INSTRUMENTS**

Students shall not possess on themselves, in their lockers, or in their cars on school property dangerous and/or illegal items that will include, but not be limited to the following:

1. Weapons/dangerous instruments such as any firearm, gravity switchblade, or knife of any kind, cane sword, metal knuckles, light or laser pointers, shock devices, pepper spray, box cutter, chukka sticks, slingshot, razor, stiletto, explosive substance or incendiary device, any gun including but not limited to a rifle, shotgun, handgun, imitation handgun, BB gun, dart gun, paint ball gun or pellet gun.
2. Tobacco products, lighters, or matches.
3. Fireworks of any kind.
4. Ammunition of any kind.
5. Any item which is considered to be illegal by the penal law of the State of New York.
6. Any item which a member of the staff may consider dangerous.

### **Disciplinary Measures:**

Any object considered fireworks, a weapon, and/or a dangerous instrument or any other object intended as a weapon may result in police involvement, five days suspension and the probability of a long term suspension. Any other object that can potentially endanger the health and safety of others will, at the discretion of the administration, result in suspension. Students who have a question about any object or instrument in their possession should, upon arrival to the building, consult with an administrator. All objects considered dangerous will be confiscated.

If the student is found guilty of bringing a “firearm” as defined in federal law, in one of the public schools or other premises used by the school district to provide such programs, a mandatory suspension of one year will be imposed, subject to modification by the Superintendent or his designee on a case-by-case basis.

## **ARTICLES PROHIBITED IN SCHOOL**

Problems arise each year because students bring articles that are hazards to the safety of others or interfere in the educational process. For that reason, the following items are not allowed in school and will be confiscated by school personnel. Student disciplinary action may be taken as well.

- Tobacco
- Alcohol
- Drugs
- Water guns/pistols
- Latex Balloons
- Knives
- Weapons (including, but not limited to, sling shots, bean shooters, clubs, razor blades, guns, etc.)
- Fireworks
- Electronic equipment must be off during school hours (ex. Personal stereos, walkman, disc players, gameboys, radios, music boxes, electronic games and toys, walkie-talkies, tape recorders, head phones, iPods, MP3 players, etc.)
- Pagers or cell phones that are “on” (including being set to vibrate) are prohibited during school hours
- Matches, lighters, etc.
- Inappropriate pictures, printed or digital materials (including, but not limited to, the obscene, profane, pornographic, weapons, drugs, etc.)
- Paint balls or equipment
- Skateboards or roller blades (unless Administrative approval has been obtained)
- Anything distracting to the educational process or potentially dangerous in a school setting

## **POTENTIALLY DISRUPTIVE ITEMS**

Students shall not possess/use/distribute nuisance items such as graffiti instruments, noxious chemicals, water guns, ~~or~~ cap guns, laser pointers, paintball guns or imitation handguns/weapons of any kind.



Items brought to school for demonstration in a teacher-directed and supervised activity will have prior administrative approval and registration. The item shall be turned over to the appropriate staff member at the beginning of the school day. Under no conditions shall the student have the items in his/her possession during the school day (except for the period of time during the supervised demonstration).

Failure to comply with the above regulations will result in items being confiscated and disciplinary actions being taken.

### **BEHAVIOR TOWARD OTHERS**

Objectionable physical behavior is that which infringes on the personal space and movement of others, offends propriety, or results in bodily injury. Manifestations of this behavior include, but are not limited to, running in the halls, shoving, pushing, display of intimate affection, overt sexual display, harassment (including sexual harassment) of others, unsafe use of property, throwing of objects (i.e., snowballs, rocks, coins, etc.) and offensive gestures. Students exhibiting objectionable physical behavior will be subject to discipline ranging from an administrative conference to suspension.

Fighting is a serious breach of appropriate school conduct that can lead to serious physical harm. Students who physically fight will be subject to suspension as determined by the administration and/or a Superintendent's Hearing.

Students refusing to follow a directive to disperse will be considered insubordinate and students continuing to loiter in the areas of an altercation or potential disruption may be suspended.

In circumstances where a student assaults another student and/or serious physical harm has occurred, the police will be contacted. In such cases, the administration may choose to proceed immediately to a Superintendent's Hearing which may result in a long term suspension. The administration may also file disorderly conduct charges on students involved in fights on school grounds or at school sponsored activities.

## **RESPECTING THE PROPERTY OF OTHERS**

Theft is defined as the wrongfully taking, depriving or withholding property from another. Burglary is defined as entering school property with intent to commit a crime.

Larceny is the unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently.

Disciplinary measures may include restitution, parent/administrative conference, in school restriction, suspension and referral to law enforcement.

## **EXCESSIVE MISCONDUCT**

Students who are involved in severe behavioral problems or who are repeatedly involved in disciplinary situations because of violations of the Code of Conduct may, at the discretion of the administration, be subject to a Superintendent's hearing to consider long term suspension from school.

If a student accumulates excessive penalties or the health, safety and welfare of the school community is threatened, the principal may, as appropriate, initiate the following:

- Mandatory in-school restriction during unassigned class or study hall periods.
- A referral will be made to a multi-disciplinary team for review of the student's educational program and services.
- A PINS complaint will be filed.
- External suspension of the student.
- An alternative educational placement for the student will be made.
- A Superintendent's Hearing in contemplation of a long-term suspension from school.

## **DISORDERLY BEHAVIOR**

In the event of a student strike or student disorder, the building principal or his/her designee will confront the students causing the disturbance. S/he will meet immediately with student representatives from the protesting group and will direct the other students to return to their regular classroom routine.

Students failing to follow administrative directions will be suspended and directed to leave the building with the understanding that long-term suspension may result. The parents of these students will be contacted. In the event that the disruptive students refuse to leave the building and the school grounds after a reasonable time has elapsed as determined by the building administrator, the police will be called. Students may be subject to arrest if they refuse to follow the administrator's directions.

A student is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk, a student engages in fighting, or in violent threatening behavior, makes unreasonable noise, exhibits lewd behavior, uses abusive, racially offensive or obscene language or makes an obscene gesture, disturbs any authorized assembly or meeting, obstructs vehicle or pedestrian traffic, congregates with other persons and refuses to comply with the request of a person in authority to disperse or creates a hazardous or physically offensive condition by an act which services no legitimate purpose or whose conduct constitutes a misdemeanor or felony while on school property or at a school function.

- A.** Files false fire alarms, bomb scares, false reports to 911, and threatens to injure person or property or commits arson.

A student guilty of one of these actions will be subject to a Superintendent's Hearing, a long-term suspension, and will be prosecuted to the fullest extent of the law. Restitution will be required where applicable.

- B.** Uses abusive or vulgar language including racial, sexual and/or ethnic comments.

The use of abusive or vulgar language and racial and/or ethnic comments, either in general conversation or as directed to a school community member will result in disciplinary consequences.

Racial harassment is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race\*; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

*\*For the sake of simplicity and clarity the term "race" shall be used to refer to all forms of discrimination prohibited by Title VI – that is, race, color and national origin.*

### **REDUCING DISRUPTIONS AND DISTRACTIONS**

Disruptive noise is any noise that is excessive, intolerable or interferes with the learning experiences of others. Radios, tape players, electronic devices including games, light or laser pointers, cameras and video cameras, except as specifically authorized, as well as other non-curricular items used for play and/or entertainment during the school day.

These items may be confiscated and stored for the day. The district is not responsible for lost/stolen items. Confiscated property may be returned only to parents, or to students following a phone call or letter from the parent/guardian to the administrator.

Taping of classes or capturing images of people shall not occur without the permission of the instructors.

### **CELL PHONES**

Cell phones must not be visible and be OFF (not merely on vibrate) during the school day. Students are encouraged to leave cell phones at home, as the Alert Now system will contact parents in the event of an emergency. Use of a cell phone will result in confiscation by a teacher or administrator.

If the teacher confiscates the cell phone, at the first available opportunity he/she will call the office or deliver it directly to the administration. Administrators may also prohibit the use of cell phones during extra curricular events/activities if warranted.

Use of cell phones in any manner during the administration of state or local examinations will result in the student's exam being immediately invalidated and no credit will be awarded for the work.

### **COMPLIANCE WITH DIRECTIVES**

Insubordination occurs when a student willfully disregards a reasonable directive issued by a staff member. The following are examples of insubordination:

- Refusal to give his/her name upon request.
- Refusal to wear and display student identification (high school only).
- Refusal to follow a directive during a fire drill, bomb threat or any other evacuation of building.
- Refusal to report to an administrator upon directive.
- Refusal to comply with reasonable requests from school personnel.
- Refusal to comply with any aspect of the Code of Conduct.
- Falsification of verbal / written information.
- Intentionally providing false information (lying).

Disciplinary measures may include: detention, parent/administrative conference, in school restriction, or five day suspension. Depending on the severity and repetition of insubordinate acts, a student may be taken to a Superintendent's Hearing.

If a student believes that he/she is being treated unfairly, the student should immediately and respectfully ask to be taken to an administrator to register the complaint.

## **RESPECTING SCHOOL PROPERTY**

Vandalism is the intentional damage to the property of the school district or of any other person. The following are examples of vandalism:

- Defacing of walls, lockers, bathroom stalls, desks, furniture, books, or other school equipment and materials.
- Damage to floors, walls, ceilings, doors, windows and bulletin boards.
- Mistreatment of any equipment or furnishings, such as library visual aids and books.

According to New York State law, a student's parents or guardian may be held responsible for costs of vandalism for which their child is responsible. Disciplinary measures may include restitution, parent/administrative conference, in school restriction, suspension and referral to law enforcement.

Discarding debris such as paper, chewing gum, lunch bags, food, etc. in the hallways, lavatories, classrooms and other areas, both inside and outside the building, school buses, is considered littering and is prohibited. Students will be expected to pick up after themselves.

## **CAFETERIA RESPONSIBILITIES**

Students are expected to return their trays, dishes, and eating utensils to the reception center. All students are expected to clean up after themselves and to comply with the reasonable requests of the cafeteria personnel, monitors and faculty. No food or drinks are to be taken from the cafeteria area. No eating or drinking is permitted in hallways or classrooms unless an administrator grants permission. Students abusing their cafeteria privileges will be disciplined as follows:

- Loss of cafeteria lunch privileges for a designated period of time, assignment to detention, appropriate clean up assignment or in-school restriction. Parent/guardian will be notified and requested to provide a bag lunch for the student, if necessary.
- Throwing food ("food fights") will result in suspension from school.

## **PROVIDING A SAFE AND SUPPORTIVE ENVIRONMENT**

Students should feel comfortable in the school setting. Any student who intentionally harasses, threatens and/or assaults students or a member of the staff will be disciplined to the full extent of the New York State laws and district rules, including external suspension, a Superintendent’s Hearing and legal prosecution. Included are actions on and/or off school grounds and through the use of the internet, telephone or cell phone, and electronic devices. All students must display/present upon request identification badges (upon policy implementation).

### **1. Sexual harassment**

Students who believe they have been subjected to sexual harassment must, at the earliest possible time, report the incident to the school’s equity officer/team and/or the building Principal, Assistant Principal or guidance counselor. Should the Principal be the alleged harasser, the report should be made to the District Compliance Officer designated by the Board of Education.

### **2. Extortion**

Extortion is any action intended to acquire money or property from another person against his/her will and as otherwise set forth in the penal law. Panhandling at lunch lines and/or at cafeteria tables is strictly prohibited and subject to discipline as described in this Code of Conduct.

## **ELIMINATING BULLYING BEHAVIOR**

*(adapted from Preventing Bullying: A Manual for Schools and Communities)*

- Bullies come in all shapes, sizes, ages, and from all types of backgrounds.
- Bullying is a pattern of intentional intimidation, demonstrated socially, physically, sexually, verbally, and/or emotionally that continues even after mediation.

- Physical bullying may include, but is not limited to, punching, poking, strangling, hair pulling, beating, biting, excessive tickling, tripping, touching, pushing, elbowing, holding, scratching, pulling clothing, flicking, throwing objects, and spitting
- Verbal bullying may include, but is not limited to, name calling, teasing, gossip, rudeness, cursing, put-downs, and written notes with any of the above.
- Social/emotional bullying may include, but is not limited to, rejecting, terrorizing, extorting, defaming, humiliating, blackmailing, rating/ranking of personal characteristics such as race, disability, ethnicity, or perceived sexual orientation, manipulating friendships, isolating, ostracizing and peer pressure.
- Sexual bullying may include, but is not limited to, making fun of someone's body, exhibitionism, voyeurism, sexual propositioning, sexual harassment and abuse involving actual physical contact and sexual assault.

#### *Difference between teasing and bullying*

It is important to distinguish between “joking”, “teasing” and “bullying”. Joking may lead to teasing, which may lead to bullying.

- Joking is fun for both parties. It is used to socialize.
- Teasing is fun for the person doing the teasing and annoying to the person being teased. It is used to antagonize.
- Bullying is fun for the bully and frightening to the one being bullied. It is used to intimidate.

#### ***Procedure for Dealing With Bullying Behavior***

When a staff member suspects a bullying situation (either by witnessing the behavior or by having behavior reported to him/her), he/she must report it to the building principal. Other persons not employed by the district may also report bullying behavior to the building principal, assistant principal, or SRO.



Step 1: The building principal, assistant principal, or SRO will interview the students involved and assign consequences as appropriate. If identified as a bullying situation (rather than joking or teasing), the building principal, assistant principal, or SRO will notify the following as appropriate to the situation to alert them to the potentially ongoing situation:

- a. Parents/guardians
- b. Guidance counselor
- c. Appropriate teachers
- d. Monitors/SSOs
- e. Bus drivers
- f. School Resource Officer

Step 2: If appropriate, the principal will arrange mediation with a Guidance Counselor or Social Worker that may include, but is not limited to any or all of the following:

- a. the accused bully
- b. the victim(s)
- c. eye witnesses

Step 3: The principal will notify parents/guardians of this mediation and send them a copy of the Mediation Agreement and appropriate literature. Parents/guardians insisting on being present during this stage of mediation will be allowed to attend only if the parents/guardians of *both* parties are present. Parents/guardians of both students (bully and victim) will be notified of the outcome of the mediation session.

Step 4: If a student breaks the Mediation Agreement and the bullying continues (even if not toward the same student), the adult who is made aware of this continuing situation will notify the building principal or assistant principal.

Step 5: The building principal will

- a. suspend the bully
- b. notify the parents/guardians of the bully of such suspension

Step 6: The principal or assistant principal will arrange a meeting with the following at some point during the five (5) day suspension:

- a. the parents/guardians of the bully
- b. the principal or assistant principal
- c. the guidance counselor or social worker
- d. adult witnesses (if any)
- e. SSO/SRO

Step 7: The parents/guardians of the bully will be given information regarding outside referral services to assist them in parenting techniques to eliminate bullying behavior.

Step 8: If a student persists in the bullying behavior(s):

- a. he/she will be suspended
- b. a Superintendent's Hearing will be requested
- c. legal intervention/action will be taken

### **STUDENT DRIVING/PARKING PRIVILEGES (SR HIGH ONLY)**

Students must apply for permission to drive a car to school. Seniors will be considered for approval, depending on space availability. All requests must go to the designated administrator's office for a parking permit and to register the car. Due to the fact that we have limited space in our parking lots, the following rules and regulations must and will be enforced. Eligible Seniors must attend the teen driving seminar in order to obtain a permit.

1. No unlicensed motor vehicles are allowed on school grounds.
2. Students must attend the school's mandatory driving safety class prior to applying for a parking permit.
3. All students must fill out a driving permit card and agree to be bound by all terms and conditions expressed therein.

4. The following students will be given preference when applying for parking permits:
  - a. Co-op students, Work-study students, early dismissal students
  - b. Seniors, post-graduate students
  - c. Underclassmen with extenuating circumstances (with approval of the administration)
  - d. Renaissance card holders.
5. Student drivers must park in the designated areas only. Any car illegally parked or without a parking permit is subject to being towed at the owner's expense and the driver may be subject to disciplinary action.
6. Students are not allowed to go to parking lots or to cars during the day without prior written permission from a teacher or administrator.
7. Cars should be locked while parked on school premises.
8. The speed limit on school grounds is 10 m.p.h.
9. Driving privileges may be revoked and parent/guardian notified for the following reasons:
  - a. Leaving school early without proper authorization.
  - b. Dangerous and disruptive use of the car during school hours.
  - c. Speeding on school grounds.
  - d. Chronic tardiness to school.
  - e. Chronic classroom truancy.
  - f. Chronic disciplinary problems in school.
  - g. Misuse of the car during school hours.
  - h. Reckless driving on/near school property.
  - i. Violations of the Code of Conduct.
  - j. Failing to follow the directives of the school crossing guard, school security/safety officer or administrator on school grounds.
10. Temporary parking permits may be issued for extenuating circumstances. Students should see the administrator in charge of school parking.
11. School administrators reserve the right to search any cars parked on school grounds in order to protect the health, safety and welfare of our students.

12. Three violations of the parking code will result in the loss of parking privileges for the remainder of school year.
13. Under crisis conditions, students may be directed not to use their personal vehicles and will be asked to await parental pick-up or school transportation (crisis reunification process).

All students requesting parking permits must be academically eligible.

Disciplinary measures for violating the parking regulations include fines, suspension, external suspension, and revocation of parking privileges.

## **HONOR CODE**

A healthy learning environment can exist only if a commitment is made by all to live in the most ethical way possible. Those who refuse to make this commitment hurt not only themselves but also those in the entire school community.

### **A. Cheating**

A grade of zero will be given to any student who gives or receives information, including electronically, on any form of a test, quiz, homework, lab, or state exam. Any person falsifying a grade or a test or related material, with the goal of increasing that grade shall take the penalty of cheating. A student may appeal the grade to the principal and/or Building Administrator.

### **B. Plagiarism**

Plagiarism is defined as the act of stealing and passing off as one's own the ideas or words of another, or using a created production without giving credit to the source. This includes ideas or words from any printed text and/or the Internet. Students must use proper citations and references when using another's work or ideas. Any student who plagiarizes will receive a zero on the plagiarized work.

**C. Falsification and forgery**

Falsification refers to the act of changing, adding to or deleting information from an absence note, early dismissal note, late arrival note, hall pass, parking permit, etc. Falsification also refers to deliberately providing false/inaccurate information. Forgery refers to the act of writing one of the above and passing it off as written by the appropriate adult.

Disciplinary measures for honor code violations may include contact of parent by administrator, detention, in-house restriction, external suspension, or alternative to suspension.

**UNAUTHORIZED SALE OF MERCHANDISE ON SCHOOL GROUNDS**

The unauthorized sale of any merchandise (including candy) to other students is not permitted on school grounds or on buses. Any sale of an item on school grounds must have prior approval of the building principal. Unauthorized merchandise will be confiscated by the administration.

**DISTRIBUTION OF OUTSIDE MATERIALS**

Prior to its distribution on school grounds, written material must first be presented to the District's Central Office for approval. Central Office will notify the building principal of such approval.

**GAMBLING**

Gambling on school property or at school sponsored activities is prohibited. "Gambling" includes but is not limited to playing cards, dice, and wagering.

**POSSESSION AND USE OF TOBACCO PRODUCTS**

In accordance with the Public Health Law 1399, Article E, smoking or the use of tobacco- related products by all persons in school buildings, on school property or at school-sponsored activities and the possession of tobacco products is prohibited. Violations may result in a referral to the Dutchess County

Department of Health. The regulation will also apply to electronic cigarettes.

### **CONDUCT OF VISITORS**

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in when entering any school building. Visitors **MUST** show photo ID. Visitors whose identity cannot be confirmed will be asked to leave the premises. According to the Board of Education policy, any visitor to a building must have a clear educational purpose and must confine their visit to the area for which they have approval. Visitors are expected to conduct themselves in a manner that does not disrupt the academic process, violate the privacy rights of others, and are in accordance with the law, Board of Education policy and this Code of Conduct.

### **PROHIBITED CONDUCT**

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

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, bully, harass, or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation, or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty, or staff member
- enter upon and remain in any building or facility for any purpose other than its authorized uses or

in such manner as to obstruct its authorized use by others;

- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

### **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

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

### **PENALTIES AND PROCEDURES**

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

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



accordance with law and any applicable collectively negotiated agreement.

### **ENFORCEMENT PROGRAM**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so, officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of will full violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or

state law or local ordinance and the imposition of a fine or penalty provided for therein.

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

The School District has determined that certain acts of misconduct interfere with instruction and/or safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct *without* removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continually disrupt the instruction of the class or interfere with the safety of the school, its staff, students or visitors.

Teachers have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process, substantially interferes with the teacher's authority over the classroom, or poses a safety risk.

“Substantially disruptive” shall mean that the course of instruction has to be discontinued more than momentarily, such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. “Substantially interferes” with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has repeatedly failed to obey the teacher's directives to cease and desist.

- a. In each case of student removal from a classroom for disciplinary reasons, the teacher shall inform the pupil and the school principal of the reasons for the removal. If the teacher finds that the pupil's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the

pupil to informally present the pupil's version of relevant events. In all other cases, the teacher shall provide the pupil with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four hours of the pupil's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

- b. The principal shall inform the person in parental relation to such pupil of the removal and the reasons therefore within twenty-four hours of the pupil's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The pupil and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the principal to discuss the reasons for the removal. If the pupil denies the charges, the principal shall provide an explanation of the basis for the removal and allow the pupil and/or person in parental relation to the pupil an opportunity to present the pupil's version of relevant events. Such informal hearing shall be held within forty-eight hours of the pupil's removal, provided that if such forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the pupil's removal.
- c. The principal shall not set aside the discipline imposed by the teacher unless the principal finds that the charges against the pupil are not supported by substantial evidence or that the pupil's removal is otherwise in violation of law or that the conduct warrants suspension from school pursuant to this section and a suspension will be imposed. The principal's determination made pursuant to this paragraph shall be made by the close of business on the school day next succeeding the end of the forty-

eight hour period for an informal hearing contained in paragraph b of this subdivision.”  
*(quoted from: Paragraphs a, b and c of subdivision 3-a of section 3214 of the education law, as added by chapter 181 of the laws of 2000)*

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

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal’s removal decision must be presented to the Superintendent of Schools prior to any further appeal.

## **REPORTING CODE VIOLATIONS**

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

Students, teacher, and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. Teachers and other District personnel shall immediately report violent students to the Building Principal.

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

The principal, on behalf of the District, will report any acts of violence against persons that constitute a felony or misdemeanor and any other acts which violate local or state laws to the appropriate local law enforcement agency. When necessary, the District will file a complaint in criminal court against the student.

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

The District will report any violations of the Code of Conduct which constitute a crime when the student is under the age of 16 to the appropriate human service agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

## **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student is insubordinate or disorderly, exhibits conduct which endangers the health, safety morals, or welfare of others, or if the student is violent or substantially disruptive of the educational process. In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed in this Code of Conduct.

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

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

**B. Short-Term Suspension Process: Suspension for 1-5 days**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing and by telephone, if possible, within 24 hours of the decision to suspend. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. If the parent wishes to appeal the short-term suspension, the parent may appeal the suspension determination, in writing, to the Superintendent of Schools within ten days after receipt of the suspension notice. The parent may, if he/she disagrees with the Superintendent's determination thereafter, appeal the Superintendent's determination within ten days of receipt of it by written appeal to the Board of Education.

**C. The Long-Term Suspension Process: Suspension for More than 5 Days**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term

suspension may be done only after the Superintendent of Schools or his/her designee has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent or his/her designee. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

### **1. Hearing Procedures - Notice of Hearing**

The notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and specific facts so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parents(s) if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall state that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses, or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

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

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

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

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

The District presents its evidence first. District witnesses shall be subject to cross-examination by the student's representative. The student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.



The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a notice indicating the student's past disciplinary anecdotal record may be offered for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

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

The Superintendent shall make his own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent.

### **Alternative Instruction**

Pursuant to the Education Law, no student under 16 shall be suspended from his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction, or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes and continue for the duration of the suspension. A good faith effort shall be made to begin such alternative instruction as soon as possible after suspension begins.

### **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination may be appealed to the Board of Education within fifteen days of the decision. The Board shall review the record of the proceedings held before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board will not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board. The matter may be further appealed to the Commissioner of Education following the appeal to the Board of Education.

### **Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed herein. If requested by the parent/guardian, an informal hearing may be held, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service.

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

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team)

for an infraction of any of the provisions herein, for violating a Code of Conduct issued to participants in the activity by the activity supervisor. The student's parent/guardian may request to appear before the building principal informally to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in or attend any extra-curricular or co-curricular activities, nor any other school events or activities which take place on the days of suspension (including intervening weekends).

### **Long-Term Suspension of Students with Disabilities**

In the event that a student has a known or suspected disability, the District will proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days.

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

1. Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504")/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.
2. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible

program modification and disposition on a non-disciplinary basis.

3. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers. Any penalty imposed may not be based on past behavior for which a nexus determination was not made.
4. The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR 104 et. seq.) until the end of the school year in which the student reaches the age of 21.
5. Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter “IDEA”) [a student with an educational disability], The Committee on Special Education (hereinafter the “CSE”) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:
6. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs, and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already

classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.

7. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
8. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty. Any penalty imposed may not be based on past behavior for which a nexus determination was not made.
9. The School District must continue to provide a free appropriate public education to students who have been suspended from school.
10. A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative education setting for up to forty-five (45) days if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.
  - a. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of

causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.” (See page 2 for detailed description)

- b. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
11. Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.
12. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student’s disability.
13. The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to student whose disabilities are founded solely upon §504/Title II ADA.

14. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).
15. Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

## **DEFINITIONS**

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

**Arson:** Intentionally starting or attempting to start any fire or combustion.

**Assault:** With criminal intent, the act of threatening to strike, attack, or harm a person in school or at any school sponsored or supervised activity; Intentional offensive/physical contact without consent.

**Battery:** Any physical force or violence unlawfully applied to any person. This can include jostling, tearing clothes, seizing or striking another person so long as there is criminal intent.

**Bomb/explosive:** Device containing combustible material and a fuse, including fireworks M-80 or larger.

**Bullying:** Bullying occurs when a student is the target, over time, of repeated negative actions. It is not bullying when two students of approximately the same age, strength or developmental level fight or quarrel. Bullying means there is an imbalance of power so that the student being victimized has trouble defending him or herself.

**Burglary:** Unauthorized entry into an unoccupied school building with the intent of committing a felony when the building is closed to students and the public.

**Disorderly conduct:** Behaving in a violent or seriously inappropriate manner which disrupts the educational process. This category is used when the police cite a student for extreme disruption.

**Disruptive Student:** An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.



**Drug/alcohol/chemical offense:** Any controlled substance or alcohol. This includes any transfer of a prescription drug or any substance alleged to be a drug regardless of its actual content.

**Extortion:** Use of “mild” threats or intimidation to demand money or something of value from another (no weapon).

**False fire alarm:** Report a fire to school or fire officials or setting off a fire alarm without a reasonable belief that a fire exists.

**Gambling:** Playing any game of chance or skill for money or anything of value.

**Intimidation, harassment, menacing, bullying (IHMB):** Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.

**Loitering/trespassing:** Entering school property or school facility without proper authority. This includes a student coming onto school property during suspension without prior administrative approval.

**Parent:** The parent, guardian or person in parental relation to a student.

**Possession of Stolen Property (criminal):** Taking property known or believed to be stolen with the intent of depriving the owner of the item(s).

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

**Robbery:** Taking property from a person by force or violence or threat of aggression.

**School Function:** Any school sponsored extra-curricular, co-curricular or other event or activity.

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

**Sexual assault/offenses:** Intentional sexual contact of a harmful or offensive nature.

**Sexual Harassment:** Unwelcome conduct of a sexual nature (including, but not limited to, comments, drawings, touching) which makes the educational environment hostile for the victim, and/or conduct whereby the aggressor seeks sexual favors in exchange for an educational benefit to be provided to or withheld from the victim.

**Suspension:** The act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

**Theft/larceny:** Unlawful taking and carrying away of property belonging to another person while the building is occupied with the intent to deprive the lawful owner of its use.

**Threatening/menace:** With criminal intent, the act of threatening to strike, attack or harm any person in school or at any school sponsored or supervised activity.

**Vandalism/graffiti:** The willful or malicious destruction or defacement of public or private property belonging to another.

**Violent criminal offense:** A crime that inflicts serious physical injury upon another as defined in the Penal Law, a

sex offense that involved forcible compulsion or any other offense defined in the Penal Law that involves the threatened use of a deadly weapon. Under the No Child Left Behind Act of 2001, a student who has been the victim of a “violent criminal offense” has the option to transfer to another school in the district (if available) at the same grade level.

**Violent Student:** A student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so.
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property, or at the school function, or attempts to do so.
- possesses, while on school property, or at a school function, a weapon.
- displays, while on school property, or at a school function, what appears to be a weapon, threatens, while on school property, or at a school function, to use a weapon.
- knowingly and intentionally damages or destroys the personal property of any person lawfully on school property or at a school function.
- knowingly and intentionally damages or destroys school district property.

**Weapon:** Any instrument which can cause or be converted to cause bodily harm, including but not limited to firearms as defined in the Gun-Free Schools Act; the frame or receiver of such firearm; any muffler or silencer, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**APPENDIX A**  
**ATTENDANCE POLICY 5100**

The Wappingers Central School District believes that students who are most successful academically, socially and emotionally are those who attend school on a daily basis. We believe parents, teachers, staff and the community need to be responsible for implementing an attendance policy that will enhance educational success. The Wappingers Central School District supports the following objectives in its attendance policy:

- To maximize the opportunities for student academic success through daily class attendance.
- To confirm that students are meeting compulsory attendance requirements.
- To know the whereabouts of every student for safety and school management reasons.
- To foster lifelong habits and attitudes of personal responsibility and accountability.

The Board of Education, in accordance with the State Education Law, requires that each minor regularly attend school full-time from the first day of session in September of the school year in which the minor becomes six years of age on or before December 1, through the last day of the school year in which such minor becomes sixteen years of age, unless he/she has completed a four-year high school course of study. He/she may attend a school other than a public school or receive home instruction, provided the instruction is equivalent to that given in the public schools.

In order that students, parents, teachers and administrators are notified of and understand this policy, the policy will receive wide distribution through district venues such as student handbooks, distribution of plain language summaries, school newsletters, the district web site and district publication's.

## **Record Keeping**

In order to regularly monitor student attendance records and identify related attendance concerns and issues, a daily register of school attendance will be maintained in a database.

Students' absences, tardiness and early departures will be recorded as excused or unexcused as defined by our attendance policy. The school, on a regular basis, will review the attendance data to identify patterns or trends in student absences. The school will implement student and parent accountability measures. The school will assist with the accountability measures through its parent notification and reporting procedures.

At the elementary level, teachers will take attendance in homeroom on a daily basis.

At the junior and senior high levels, teachers will take attendance in homeroom and in each class period on a daily basis. A daily attendance bulletin will be published in a timely manner.

At the elementary level, parents will call the school at the opening of school to report their children absent for the day. The school will make phone calls to the homes of the parents of absent children who have not notified the school of their children's absences. The building administrator will send a letter home if a pattern of excessive absences occurs.

At the junior and senior high levels, a student absent from class after homeroom will be immediately reported to the attendance office. A daily phone call will be made to the home unless the attendance office is notified of the reason for the absence during the day. The attendance office will call home or send a letter if a pattern of excessive or unusual absences occurs. If a student does not bring in an absence note within seventy-two hours, an unexcused absence will be recorded until an absence note is brought in. The administration will have the right to request a doctor's note for excessive absences. If a student has excessive absences without proper

documentation from a doctor, or is believed to be excessively absent without good reason, the parent/guardian will be notified with an explanation of the additional steps the district will take.

### **Excused and Unexcused Absences**

The Board recognizes the following as reasons for excused absences, tardiness and early departures from school, each of which must be verified by the student's parent/guardian or school personnel, where applicable:

- Personal illness
- Death in the immediate family
- Impassable roads or weather related problems
- Religious observance
- Legal obligation, required attendance in court
- Quarantine
- Doctor/dental/professional appointment
- Military obligations
- College visitations
- Approved school-sponsored activities, including field trips, interscholastic athletics, musical and other competitions
- Approved cooperative/work study program
- Suspension
- Other excused absence per district discretion

It is the parent/guardian's responsibility to provide a written excuse upon the student's return to school following an excused absence. Any category of absence not provided for on the excused list shall be deemed an unexcused absence.

Unexcused absences, tardies and early dismissals will result in disciplinary action consistent with the district' Code of Conduct.

### **Course Credit Standard**

Elementary children's attendance is dependent upon the parents. Therefore, absences, excused or unexcused, will not impact the children's grades if the work is made up in a timely

manner. However, due to the nature of the classroom work, it may not be possible to replicate class work and the children's grades will reflect that loss of instruction.

At the junior high level, students who are absent from school and/or a class are responsible for completing all missed class work and homework within three days of their return to class. The student and parent are responsible to check with his/her teacher/guidance counselor to determine the class work or homework that must be completed. Assignments not completed within the three-day time limit will receive zeroes. If a student has an unexcused absence on the day of a local final exam, he or she will receive a zero on that test.

At the high school level, a student's final grade may be based on classroom participation as well as the student's performance and homework, tests, papers, project. Unexcused absences, tardies and early dismissals will affect a student's class participation grade for the marking period. If a student has an unexcused absence on the day of a quiz, test, or exam, he or she will receive a zero.

Teachers are not required to provide advanced classwork and homework for planned unexcused absences. The student and parent are responsible to check with his/her teacher/guidance counselor to determine the class work or homework that must be completed.

### **Process of Developing Intervention Strategies**

Schools will set up procedures to intervene with students with excessive absences or tardies or with unusual patterns of absences or tardies. These procedures may include contacting the parent/guardian, referral to a building multidisciplinary team to recommend appropriate steps, Youth Services referral, filing a PINS petition, with probation if needed, or contacting Child Protective Services.

### **Sanctions and Incentives Related to Attendance**

Schools may set up a program of incentives and sanctions to encourage responsible attendance. Incentives could include a

letter from the building administrator for perfect attendance, attendance commendation certificates, school recognitions for perfect attendance each marking period, end of the year ceremony for students with perfect attendance, consideration of students with good attendance for special privileges and activities that are unavailable to all students, and the Renaissance program.

Schools will enforce the sanctions in the district's Code of Conduct as it applies to unexcused absences, tardies, and early dismissals from school or class. The Code of Conduct prescribes a range of disciplinary steps dependent upon the level of school and severity of the problem.

### **Oversight Responsibilities**

The Building Principal and/or his/her administrative designee shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy.

The Board of Education shall annually review building-level student attendance records and , if such records show a decline in student attendance, the Board shall revised this comprehensive attendance policy and make any revision to the plan it deems necessary to improve student attendance.

Ref: Education Law §§ 1709; 3024; 3025; 3202 (1-a); 3205-3213; 3225  
8 NYCRR §§ 104.1; 175.6

The following chart constitutes a range of appropriate disciplinary measures used district-wide. The actual discipline penalty will be chosen from the ranges given after consideration of the seriousness of the infraction, any extenuating circumstances, student attitude, and the disciplinary history of the student involved. Crimes will always be referred to law enforcement agencies. Infractions not listed in the chart below will be handled at the principal's discretion and according to Board of Education Policy.



## RANGE OF DISCIPLINARY ACTIONS FOR SELECTED INFRACTIONS

INFRACTION	RANGE OF PENALTIES FIRST OFFENSE	RANGE OF PENALTIES SECOND OFFENSE	RANGE OF PENALTIES THIRD OFFENSE	RANGE OF PENALTIES FOURTH OFFENSE
Altercation (physical or verbal)	warning/ISR/RSS/ISS/OSS	ISR/ISS/OSS	OSS	OSS/Supt. Hearing
Arson	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police
Bullying/ Cyber Bullying	RSS/ISR/ISS/Police	ISS/OSS/Police	ISS/OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police
Cheating	warning/RSS/Zero on Assignment Parent Contact	ISR/RSS/Zero on Assignment	ISR/ISS/RSS/Zero on Assignment	ISR/ISS/RSS/Zero on Assignment
Computer Policy Violations	Warning	Detention/ISR	ISR	OSS
Cutting Class	PC/Detention	ISR/Detention	ISR/ISS	ISS/PINS
Disrespectful language/or action toward staff or student	RSS/ISR/ISS/OSS	RSS/ISR/ISS/OSS	RSS/ISS/OSS	OSS/Supt. Hearing
Disruptive behavior	warning/detention/ISR	Detention/ISR	ISR/ISS	ISS/OSS
Drugs or Alcohol: Possession or Use	OSS/PINS/RSS Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police
Drugs: Sale or Distribution	OSS/PINS/RSS/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police
Electronic: Possession or Use of Cell Phone/IPOD	Warning/Confiscation/Parental pick up/ISR	Confiscation/ISS/Parent Pick up	Confiscation/ISS/OSS/Parent Pick up	Confiscation/ISS/OSS/Parent Pick up
Extortion	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police	OSS/Supt. Hearing/Police

Chart (continued)

INFRACTION	RANGE OF PENALTIES FIRST OFFENSE	RANGE OF PENALTIES SECOND OFFENSE	RANGE OF PENALTIES THIRD OFFENSE	RANGE OF PENALTIES FOURTH OFFENSE
False Alarms	OSS/Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Felony	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Fighting (per VADIR definition)	ISR/ISS/OSS	OSS/Supt. Hearing	OSS/Supt. Hearing	OSS/Supt. Hearing
Fireworks	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Food: Eating or Drinking outside of lunch periods	Warning	Detention/ISR	ISR	ISR
Food: Throwing Food	PC/ISR/ISS/Clean up	ISS/OSS/Clean up	OSS/Clean up/Supt. Hearing	OSS/Supt. Hearing
Forgery/Fraud	ISR/ISS/OSS	ISS/OSS	ISS/OSS	OSS/Supt. Hearing
Gambling	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Harassment: Sexual or Racial	ISS/OSS	ISS/OSS	ISS/OSS	OSS/Supt. Hearing
Hazing	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Inappropriate Attire/ Violating Dress Code	PC/change clothing	PC/change clothing/Detention/ISR	PC/change clothing/ISR/ISS	PC/change clothing/OSS
Instigation/Intimidation or Coercion	ISR/ISS/OSS	ISS/OSS	ISS/OSS	OSS/Supt. Hearing
Insubordination / failure to follow school rules	PC/RSS/ISR	PC/ISS	ISS/OSS	OSS/Supt. Hearing
Leaving School Grounds w/o Permission	ISR/ISS/RSS	ISR/ISS/RSS	ISR/ISS/RSS	ISR/ISS/RSS

Chart (continued)

INFRACTION	RANGE OF PENALTIES FIRST OFFENSE	RANGE OF PENALTIES SECOND OFFENSE	RANGE OF PENALTIES THIRD OFFENSE	RANGE OF PENALTIES FOURTH OFFENSE
Lewd Behavior	ISR/ISS/OSS	ISS/OSS	OSS/Supt. Hearing	OSS/Supt. Hearing
Misdemeanors	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police
Plagiarism	warning/RSS/Zero on Assignment	ISR/RSS/Zero on Assignment	ISR/ISS/RSS/ Zero on Assignment	ISR/ISS/RSS/ Zero on Assignment
Possessing or Sharing obscene materials	Warning/PC/RSS	PC/Detention/ISR	ISR/ISS	ISS/OSS/ Supt. Hearing
Profanity/gestures	Warning/detention / ISR	Detention/ISR	ISR/ISS	ISS/OSS
Public Display of Affection	Warning/PC	PC/RSS/Detention/ISR	RSS/ISR/OSS	ISS/OSS
Smoking/or other tobacco use	ISR//RSS/ Bd. Of Health	OSS/RSS /Bd. Of Health	OSS/RSS/ Bd. Of Health	OSS/RSS/ Bd. Of Health
Tardiness to School	Warning/RSS	RSS/Detention	ISR/RSS	ISR/RSS
Theft	ISR/ISS/OSS/ Restitution/ Police	ISS/OSS Restitution/ Supt. Hearing/Police	OSS/Restitution/Supt. Hearing/Police	OSS/Restitution/Supt. Hearing/Police
Threatening Staff (Physical)	OSS/Supt. Hearing	OSS/Supt. Hearing	OSS/Supt. Hearing	OSS/Supt. Hearing
Truancy	RSS/Detention/ ISR/ISS	RSS/ISR/ISS	RSS/ISR/ISS	ISR/ISS/RSS
Vandalism/ destruction of school property	ISR/ISS/OSS/ Restitution/ Police	ISS/OSS/ Restitution/ Police	OSS/Restitution/Supt. Hearing/Police	OSS/Restitution/Supt. Hearing/Police
Weapons possession or use	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police	OSS/Supt. Hearing/ Police

Key

ISR= In-school restriction (less than full day)

ISS = In-school suspension (full day)

OSS = Out of school suspension

PINS = Probation/Social Services

RSS = Referral to (PPS) Student Services (Ex. LIT, 504, Psychologist, Assistance Counselor, Guidance, etc.)



Within one week of the opening of school, each school shall send to the parents of each enrolled student a copy of the Code of Conduct. Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the Code of Conduct. Each school shall maintain records of such signed statements.

As parent/guardian, I have reviewed the Code of Conduct and the attendance policy within the Code of Conduct. The telephone number below is the number where I can be contacted for attendance/disciplinary issues.

Student ID # \_\_\_\_\_ Grade \_\_\_\_\_

Homeroom \_\_\_\_\_

\_\_\_\_\_  
Student Name (print)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent Name (print)

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Telephone Number