
Washingtonville Central School District

DISTRICT CODE
OF CONDUCT



Adopted by the Board of Education — June 2001

Update Approved — July 2018

Introduction

The Washingtonville Central School District is committed to maintaining a high standard of education for all students in our schools. The District believes that order and discipline are essential to being educated effectively. The District is also committed to creating and maintaining high behavioral standards and expectations. 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, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District and Board of Education also believe that order and discipline must be a shared responsibility among the school, home and community. This Code of Conduct was developed in collaboration with students, teachers, administrators, parents and other school related personnel. Finally, it is our belief that in order to be effective, such a code must be clear in expectations, identify and recognize acceptable and unacceptable behavior, comply with State, Federal and NYS Education Regulations, and outline disciplinary responses to unacceptable actions. It is also our belief that to be effective the code must promote a close working relationship between the home and school, encourage a high regard for every person's rights, and outline procedures to ensure fair, firm, reasonable and consistent administration of all policies.

Our 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. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools. The safety of our students and staff, and the social and emotional growth of our students are of primary concern in the implementation of this Code. To this end, we expect our parents/guardians to assume primary responsibility for the control of their 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. In order to achieve the desired outcome, the school will foster a high degree of parent-school communication.

DEFINITIONS

This Code of Conduct represents the Safe Schools Against Violence in Education legislation requirements. Project SAVE is located in Chapter 181 of the New York State Laws of 2000. For the purpose of this Code, and under the guidelines of the Project SAVE legislation and the Dignity for All Students Act, the following definitions apply:

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

Parent - the parent, guardian or person in parental relation to the student.

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

School Property - in or within any building, structure, athletic playing area, playground, parking lot or land contained within the real property boundary line on a public elementary or secondary school, on land owned by the District, or in/on a school bus as defined in Section 142 of the NYS Vehicle and Traffic Laws.

School Function - any school sponsored extra-curricular, co-curricular or other event or activity.

Suspension - the act of a building principal, Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular class.

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 a school function, or attempts to do so.
- possesses, while on school property or at a school function, a weapon.
- displays, while on school property or at a school function, what appears to be a weapon.
- threatens, while on school property or at a school function, to use a weapon.
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- knowingly and intentionally damages or destroys school property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC Section 921) as well as any other gun, BB gun, air gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, loaded or blank cartridges or other ammunition, pepper spray or other noxious spray, explosive or incendiary bomb, crowbar, or other device, instrument, material or substance that can cause physical injury or death when used for such purposes.

Harassment - the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities, or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived weight, color, creed, religion, religious practice, ethnic group, national origin, political affiliation, sex, sexual orientation, gender (including gender identity and expression), age, marital or veteran status, or disability.

Bullying - a hostile activity, often related to a power imbalance, which harms or induces fear through the threat of further aggression and /or creates terror. Bullying often takes one of three forms: physical (including, but not limited to hitting, spitting, taking physical belongings), verbal (including, but not limited to taunting, malicious teasing, name-calling, threatening or frightening electronic communications 'cyberbullying') and social or relational bullying (including but not limited to giving dirty looks, spreading rumors, engaging in social exclusion).

Cyberbullying - use of instant messaging, e-mail, web sites, chat rooms, text messaging, and other forms of electronic communication which result in harassment or bullying. May take many forms, including but not limited to

- cyberstalking (harassment that included threats or harm or intimidations).
- masquerading (pretending to be someone else when sending or posting material that makes the person look bad or places that person in potential danger).
- phishing (engaging in deceit or tricks to solicit embarrassing information to enable the information to become public).
- flaming (sending angry, mean or vulgar messages to a person on-line).
- sexting (sending, receiving, or forwarding sexually suggestive, nude or nearly nude photos through electronic means).
- harassment (sending a person offensive messages repeatedly).
- denigration (sending or posting untrue or mean statements about a person).

Disability - any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered normal for human beings.

Sex - the biological and physiological characteristics that define men and women.

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

Sexual Orientation - actual or perceived heterosexuality, homosexuality or bisexuality.

Race - the word is used to describe geographically local or global human population groups distinguished as a more or less distinct group by genetically transmitted physical characteristics.

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

Weight - the word is used in reference to a person's 'size' or sometimes interchangeably with a person's size.

National Origin - a person's country of birth or their ancestor's country of birth.

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

Religion - a body of persons adhering to a particular set of fundamental beliefs and practices.

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

Dignity For All Students Act

Dignity Act Intent – The goal of The Dignity Act is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against and/or verbally and/or physically harassed. All public elementary and secondary school students have the right to attend school in a safe, welcoming, considerate, and caring environment.

- The Dignity Act prohibits the harassment and discrimination of students by students and by school personnel.
- This harassment and discrimination includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Bullying and hazing are forms of harassment and discrimination.
- The Dignity Act applies to behavior on school property (including athletic fields, playgrounds, and parking lots), in school buildings, on a school bus/vehicle, as well as at school-sponsored events or activities.

Material Incidents -

- A material incident is two or more related incidents or one severe incident where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe or pervasive nature that:
 - a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional and/or physical well-being; or
 - b. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- Reporters of material incidents shall use the Dignity Act Complaint Form, a copy of which can be found in the appendix.
- All material incidents of discrimination & harassment shall be reported to the Building Level Dignity Act Coordinator
- People who report discrimination or harassment are protected pursuant to Education Law section 16. Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds, or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings. No school district or employee thereof, shall take, request, or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

Building Level Dignity Act Coordinator – In compliance with the Dignity Act (amended State Education Law Article 2), each building shall have a Building Level Dignity Act Coordinator. This person shall be thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex. The Building Level Dignity Act Coordinators shall be:

High School - Kristin Shaw 497-4000 x24507
Middle School - Melissa Pittman 497-4000 x21509
Little Britain – Christine Williams 497-4000 x23501
Round Hill – Christine Williams 497-4000 x25501
Taft - Leah Hindley 497-4000 x22501

District Level Dignity Act Coordinator – In compliance with the Dignity Act, the District Level Coordinator will be the Civil Rights/ Title 9 / Title 6 Officer. This person is Maureen Peterson 497-4000 x27012.

Process -

1. When a complaint is brought to a Building Level Coordinator, the Building Level Coordinator will take a written report from the complainant.
2. The Building Level Coordinator will investigate the complaint and render a decision within 2 weeks of receiving the complaint.
3. The Building Level Coordinator will notify the complainant, the principal, and others who need to be advised of the decision.
4. If the complaint is substantiated, then within 1 week of the decision, any change or recommendation will be enacted.
5. Within 10 days of the decision, the complainant may appeal in writing to the District Level Dignity Act Coordinator.
6. Within 10 days of the receipt of the appeal the District Level Dignity Act Coordinator will meet with the complainant to hear the appeal.
7. The District Level Coordinator will have 5 days in which to conduct an investigation of the appeal.
8. Within 10 days of meeting with the complainant the District Level Coordinator will render a decision.
9. An appeal of the District Level Coordinator's decision may be made to the Board of Education. The Board will make its decision based solely upon the record before it. All appeals to the Board must be made in writing and submitted to the District Clerk within 10 business days of the District Level Coordinator's decision. The Board of Education will hear the appeal at their next regularly scheduled meeting or work session. When the Board of Education hears an appeal, they may only review the written documents submitted by the parents and the District. A decision shall be made by the School Board within 10 days of its meeting.
10. If a complainant is dissatisfied with the School Board-level decision, s/he must request a review by the Office for Civil Rights (OCR) within 60 days of the School Board's decision.

Plain Language Summary of Dignity for All Students Act (D.A.S.A.)

The Dignity Act became effective July 1, 2012. The purpose of the act is to help create an environment of respect and dignity for all students and to make sure there is a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against and/or harassed.

No student should ever be afraid for his/her physical safety nor should any student be treated unfairly with words or actions that prevent him/her from working on their school work or makes him/her emotionally or physically afraid to come to school. This includes any actions, threats, intimidation or abuse based on: a person's looks, the color of a person's skin, how heavy or light a person is, what country a person's relatives are from, how a person dresses, eats, or speaks, what a person believes in (explanations for mysteries of life, how to live a good life, what is beyond what we can see, hear or touch) and how a person shows those beliefs through dress, food, symbols and practices, a person's inability to do things with their body or mind because of how they were born or an accident or illness, who a person romantically likes: a man, a woman, or both, a person being born as a girl or a boy, and a person's feelings about being a girl or a boy.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

The Washingtonville School District believes in the right of each child between the ages of 5 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 6 and the close of the school year in which he/she turns 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 process of law requirements are met, a student may be removed from the classroom, suspended temporarily, or suspended permanently from school. Only students within the compulsory education ages (6 years through the school year in which they turn 16) are entitled to alternative, equivalent instruction following a suspension.

Rights of Students

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- to be provided with an education that is intellectually challenging and relevant to the demands of the 21st century.
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear by students, visitors, employees, or vendors based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability on school property or at a school sponsored event, function or activity.
- to participate in district activities on an equal basis regardless of a person's actual or perceived race, weight, color, creed, religion, religious practice, ethnic group, national origin, political affiliation, sex, sexual orientation, gender (including gender identity and expression), age, marital or veteran status, or disability.
- to be informed of all school rules.
- to be guided by a discipline policy which is fairly and consistently implemented.

In addition to the above, students in the Washingtonville School District are afforded the following rights:

Student Expression - Students shall be allowed the opportunity for the free expression of ideas consistent with the rights established by the Federal and State constitutions. This includes the right of students to wear political buttons, armbands or badges of symbolic expression. However, a student's freedom is subject to limitations 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 others. Furthermore, speech, which materially and substantially disrupts the work and discipline of the school, may be subject to limitation.

Student Activities - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the school district. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the District Code of Conduct and any rules made specifically for participation.

Student Government - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for this activity shall be conducted in accordance with the principles of our 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.

Student Clubs and Other Student Organizations - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. The District authorizes meetings of non-curriculum related clubs/organizations. They 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 and regulations.

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 constitution. 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 District. In cases where the police enter the school, students have the same constitutional protections that they would have if they were not in a school building.

Pregnant Students - During pregnancy and the period of pregnancy related disability that follows childbirth, a student shall be entitled to home instruction upon the request and advice of a physician. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

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, he/she 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. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the student does not deem the principal's answer or proposed resolution satisfactory. 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 or her actions.
- respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined.
- attend school on a regular and punctual basis.
- complete class assignments and other school responsibilities by established deadlines.
- show evidence of appropriate progress toward meeting course and/or diploma requirements.
- respect school property such as lockers, desks, books, etc., and help to keep them free from damage.
- obey school regulations and rules made by school authorities.
- recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during school sponsored activities.
- contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.
- become familiar with this Code and seek interpretation of parts not understood.
- discourage inappropriate behavior of other students, including incidents of intimidation, harassment, or discrimination, and report the incidents to the administration.
- give his or her full name or produce an identification card when requested to by any staff member.

ESSENTIAL PARTNERS

The Role of Parents - A cooperative relationship between home and school is essential to each student's successful development and achievement. To achieve this wholesome relationship, parents are urged to:

- support and uphold the Code in its entirety.
- show an enthusiastic and supportive attitude toward school and education.
- build a good working relationship between themselves and their child.
- teach their child self-respect, respect for the law, respect for others and for public property.
- insist on prompt and regular attendance.
- listen to the views and observations of all parties concerned.
- recognize that teachers merit the same consideration and respect that parents expect from their child.
- encourage their child to take pride in his/her appearance.
- encourage respect and tolerance for all regardless of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
- insist that their child promptly bring home all communications from school.
- cooperate with the school in jointly resolving any school related problem.
- set realistic standards of behavior for their child and resolve to remain firm and consistent.
- help their child learn to deal effectively with negative peer pressure.
- provide a place conducive for study and completion of homework assignments.
- demonstrate desirable standards of behavior through personal example.
- foster a feeling of pride in their child for their school.
- provide support and positive reinforcement to their child.

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

- support and uphold the Code in its entirety.
- 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 free from harassment, discrimination and bullying.
- 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 or acting building principal.
- report and refer violent students to the principal or Superintendent of Schools immediately.

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

- promote and model the Code in its entirety.
- promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen each student's positive self-image and promote confidence to learn.
- plan and conduct instruction that will make learning challenging and stimulating.
- recognize that some disciplinary problems are caused by 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 minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator.
- teach the common courtesies by precept 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.
- confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- identify changing student behavior patterns and notify appropriate personnel.
- enable students to discuss their problems with them.
- return phone calls and send communications home promptly.
- report to the principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom.
- treat students in an ethical and responsible manner free from personal biases, harassment, discrimination and bullying.
- help students to reach their maximum potential.
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law.
- explain and interpret the Code of Conduct 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.
- inform the student and the principal the reason why a student is removed from class as soon as possible.
- report and refer violent students immediately to the principal or Superintendent of Schools.
- follow building level procedures in reporting incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the Building Level Dignity Act Coordinator or principal.
- use only those materials in the classroom that reinforce the values of respect, moral decency, appropriate dress and language.

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 students, but for staff as well. Therefore, they must:

- model and uphold the Code in its entirety.
- seek to develop a sound and healthful atmosphere of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 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 classroom.
- 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.
- treat students in an ethical and responsible manner free from personal biases, harassment, discrimination and bullying.
- work with students and staff to formulate school regulations.
- assist staff members to resolve problems which may occur.
- return phone calls to parents and send communications home promptly.
- 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.
- 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.
- follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the administration's attention in collaboration with the Building Level Dignity Act Coordinator.

The Role of District Administrators - As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- model and uphold the Code in its entirety.
- reinforce and extend the indicated responsibilities of the principals and make them applicable to the school system for grades Pre-K through 12.
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning.
- treat students in an ethical and responsible manner free from personal biases, harassment, discrimination and bullying.
- 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.
- promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination, and harassment, supporting active teaching and learning.

The Role of the Board of Education - As the elected officials in charge of our schools, the Board of Education must:

- recognize, support and uphold the Code in its entirety.
- adopt the policies governing the District, including this Code of Conduct.
- ensure that the Code contains clear behavioral expectations and disciplinary consequences for students, staff and visitors.
- ensure that the Code is clearly communicated to students, parents, staff and the school community.
- treat students in an ethical and responsible manner free from personal biases, harassment, discrimination and bullying.
- ensure that the Code is implemented and enforced in a consistent, reasonable, fair and equitable manner.
- review the Code and updates as necessary but at least annually.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the 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 programs.

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

Prohibited Conduct Related to School Property - No person, either singly or in concert with others, shall:

- 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, harass or discriminate against any person on the basis of a person's actual or perceived race, weight, color, creed, religion, religious practice, ethnic group, national origin, political affiliation, sex, sexual orientation, gender (including gender identity and expression), age, marital or veteran status, or disability.
- restrain or detain any other person physically, or remove such person from any place where s/he is authorized to remain.
- damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization.
- enter into any private office of an administrative officer, member of the faculty or staff member without permission, expressed or implied.
- enter into and remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others.
- remain in any building or facility after it is normally closed without authorization.
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff, or member of the Board of Education.
- obstruct the free movement of persons and vehicles in any place to which these rules apply.
- 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.

- 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.
- incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

Penalties and Procedures for Prohibited Conduct on School Property - 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 removal.
- if trespasser or visitor without specific license or invitation, s/he shall be subject to removal 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 Section 3214 of the Education Law and the 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 and any relevant Board policies.
- if a staff member in the classified service of the civil service, described in Section 75 of the Civil Service Law, s/he shall be subject to disciplinary actions as described in Section 75 of the N.Y. Civil Service Law, as well as any relevant Board policies and any collectively negotiated agreements.
- 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 and any relevant Board policies.

ENFORCEMENT PROGRAM FOR PROHIBITED CONDUCT ON SCHOOL PROPERTY

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate other personnel 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 such officer shall warn such persons of the consequences of the persistence in the prohibited conduct, including their removal 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 willful violation of such rules, the Superintendent or his/her designee shall cause the removal of the violator from any premises which s/he occupies and shall initiate appropriate disciplinary action herein before provided in accordance with law, policy and collectively negotiated agreement provisions.
4. The Superintendent or his/her designee may apply to the public authorities for any aid that s/he deems necessary in causing the removal of any violator of these rules and s/he may request the Board's legal 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.

PROHIBITED STUDENT CONDUCT

The rules of conduct listed on the following pages are intended to focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules, will be required to accept the penalties for their conduct. Disciplinary action, when necessary, will be firm, fair and consistent. This is most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

Disorderly Conduct - Examples include, but are not limited to:

- running in hallways/classrooms/cafeteria.
- making unreasonable noise.
- using language or gestures that are profane, lewd or vulgar.
- obstructing vehicular or pedestrian traffic.
- engaging in any willful act that disrupts the normal operation of the school community.
- trespassing—students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- misusing computer/electronic communication devices or software—including any unauthorized use of computers, software or Intranet/Internet account, accessing inappropriate websites, or any other violation of the District's acceptable use policy.

- intentionally causing harm or damaging the District's computer system, including unauthorized modification of electronic information or conducting a Distributed Denial of Service (DDOS) of others or the District by circumventing security and breaking into another's server, website, or the like. This includes hacking and other activities that may knowingly harm or disrupt the District's computer system or electronic information of others or the District.
- possessing unauthorized video/audio devices, including cameras, phones, recorders, digital cameras and other electronic devices.
- possession of stolen items.
- possessing, selling, or distributing pornographic material in any form.

Insubordinate Conduct - Examples include, but are not limited to:

- failing to comply with reasonable directions or otherwise demonstrating disrespect for teachers, school administrators, or other school employees in charge of students.
- skipping or disregarding an assigned detention or other disciplinary consequence.
- forging parent's signature on any document.
- misusing passes, including forgery of passes.

Disruptive Conduct – Examples include, but are not limited to:

- deliberately disrupting or preventing the peaceful and orderly conduct of classroom instruction inside or outside the building.
- deliberately disrupting or preventing the peaceful and orderly conduct in the hallways, cafeteria, auditorium, gymnasium or similar areas including school grounds and school vehicles.
- deliberately disrupting or preventing the peaceful and orderly conduct of the flow of traffic to and from any and all bus arrivals and dismissals.
- inciting or encouraging violence.
- menacing.

Violent Conduct - Examples include, but are not limited to:

- committing, or attempting to commit, an act of violence (such as hitting, kicking, punching or scratching) another student, teacher, administrator, school employee, or any other person lawfully on school property.
- engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- displaying what appears to be a weapon.
- threatening to use any weapon.
- possessing any weapon
- damaging or destroying the personal property of a student, teacher, administrator, other District employee, or any person lawfully on school property (includes graffiti).
- damaging or destroying school property (includes graffiti).
- communicating by any means on or off school property any content that can reasonably be interpreted as a threat to commit an act of violence on school property or results in material or substantial disruption to the educational environment.
- committing arson or use of fireworks or other incendiary device.

Endangering the Safety, Morals, Health or Welfare of Others - Examples include, but are not limited to:

- lying to or deliberately misleading school personnel and thus endangering the safety of the school building.
- stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
- making defamatory remarks, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of their persons or group by demeaning them.
- discriminating against individuals, which includes the use of a person's actual or perceived race, weight, color, creed, religion, religious practice, ethnic group, national origin, political affiliation, sex, sexual orientation, gender (including gender identity and expression), age, marital or veteran status, or disability as a basis for treating another in a negative manner.
- harassing individuals, which includes but is not limited to: bullying (verbal, physical or social/relational), cyberbullying, sexting, verbal threats, taunting, extortion or any statement or action which a reasonable person would perceive as ridiculing or demeaning.
- sexually harassing a person, or any action or comment/conduct that any individual may deem as offensive such as inappropriate touching, verbal comments, sexual name-calling, spreading sexual rumors about, gestures, jokes, pictures, blocking the movement of, sexting, rape or attempted rape.
- intimidating a person, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team.
- selling, distributing, using or possessing obscene content (electronic or print).
- using vulgar or abusive language, cursing or swearing.
- possessing, using, selling, distributing, soliciting or exchanging any tobacco product.

- possessing, using, selling, distributing, soliciting or exchanging e-cigarettes, vaporizers and/or any other products that may contain nicotine but can be utilized for illegal drugs.
- possessing, using, selling, distributing, soliciting or exchanging drug paraphernalia.
- possessing, consuming, selling, distributing, soliciting or exchanging alcoholic beverages.
- possessing, consuming, selling, distributing, soliciting or exchanging illegal substances.
- possessing, consuming, selling, distributing, soliciting or exchanging synthetic cannabinoids and/or other synthetic drugs.
- being under the influence of alcoholic beverages.
- being under the influence of drugs, synthetic cannabinoids, and/or other synthetic drugs.
- using without prior permission or sharing prescription and over-the-counter drugs.
- unauthorized possession of prescription or over-the-counter medication.
- inappropriate use of or selling of prescription or over-the-counter medication.
- possessing loaded or blank cartridges or other ammunition.
- gambling, card playing or possession of such paraphernalia.
- exposing oneself indecently, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- subjecting another person to danger by recklessly engaging in conduct that creates substantial risk of injury.
- reckless driving which may include but is not limited to driving at excessive speed or at a velocity that can be considered dangerous, intentionally failing to yield the right-of-way to other vehicles or pedestrians, driving recklessly in a reckless manner with reckless disregard, driving that is willful or shows wanton disregard for the safety of person or property, driving at an immoderate rate of speed or in a careless, reckless, or negligent manner, driving without due caution, driving with disregard for the safety of others.

Misconduct on a School Bus - Students are required to conduct themselves on the bus in a manner consistent with established standards in the Code of Conduct to ensure their safety and that of the other passengers. Excessive noise, pushing, shoving and fighting will not be tolerated.

Academic Misconduct - Examples include, but are not limited to:

- plagiarism
- cheating
- copying
- altering records
- assisting another in any of the above areas

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, jewelry, make-up and nails shall:

- be safe, appropriate and not disrupt or interfere with the educational process.
- recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front, back, and side) and see-through garments are not appropriate. No part of the torso should be exposed.
- ensure that underwear is completely covered with outer clothing.
- include footwear at all times. Footwear that is a safety hazard will not be allowed.
- not include the wearing of headwear in the building except for a medical or religious purpose that has been previously approved by the administration.
- not include items that are vulgar, obscene, libelous or denigrate others on account of a person's actual or perceived race, weight, color, creed, religion, religious practice, ethnic group, national origin, political affiliation, sex, sexual orientation, gender (including gender identity and expression), age, marital or veteran status, or disability.
- not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- not include the wearing of skirts, dresses, shorts or "skorts" that are higher than mid-thigh.
- not include the wearing of jackets or outer coats in the classroom.
- not include gang-related and/or what can be misconstrued as gang-related apparel.
- not include sharp objects, hanging straps, or chains.

At school functions it will be announced prior to the event whether or not the school dress code will be required (good judgment and respect will still be required).

DISCIPLINARY PROCEDURES AND PENALTIES RELATED TO PROHIBITED STUDENT CONDUCT

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age.
- The student's prior disciplinary record.
- The nature of the offense and the circumstances which led to the offense.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability, or suspected disability, the student shall be referred to the Committee on Special Education or Section 504 Committee prior to issuing a penalty. A student identified as having a disability shall not be disciplined for behavior which is a manifestation of his/her disability except as explained in Section VII herein (p 26).

Penalties

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- Verbal warning - any member of the District staff.
- Written warning - any member of the District staff.
- Written notification to parent - any member of the District staff.
- Teacher detention - teachers, principal, Superintendent.
- Central detention - principal, Superintendent.
- Referral to OC Board of Health - principal or designee.
- Suspension from transportation - principal, Superintendent.
- Suspension from athletic participation - principal, Superintendent, athletic director.
- Suspension from social or extracurricular activities - principal, Superintendent.
- Suspension of other privileges - principal, Superintendent.
- Suspension from or loss of privileges to attend graduation, prom, etc.- principal, Superintendent.
- Saturday detention - principal, Superintendent with parent approval.
- In-school suspension - principal, Superintendent.
- Removal from classroom - principal, Superintendent, teacher.
- Short-term (5 days or less) suspension from school - principal, Superintendent, Board of Education.
- Long-term (more than 5 days) suspension from school - Superintendent, Board of Education.
- Permanent suspension from school - Superintendent, Board of Education.
- Confiscation of banned devices - principal.
- Restitution/payment - principal, Superintendent.
- Law enforcement notification - principal, Superintendent.

Due Process Rights

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents, or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

Detention - Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate, unless there is parental objection.

Suspension from transportation - If a student does not conduct him/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or Superintendent. The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal and all parties involved to contest and/or discuss the misconduct and the penalty involved if applicable.

Suspension from athletic participation, extra-curricular activities and other privileges - A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension and his/her parents to discuss the conduct and the penalty involved.

In-school suspension - The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom. As such, the Board authorized the building principals and the superintendent to place a student who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

Removal of a student from the classroom - The Washingtonville Central 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, efforts will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District's goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

In accordance with the provisions of the SAVE Legislation, teachers shall have the authority to remove a student from their classroom whenever the student *substantially disrupts* the educational process or *substantially interferes* with the teacher's authority over the classroom. "*Substantially disruptive*" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson. To address the disruptive conduct of the student who "*substantially interferes*" with the teacher's authority over the classroom shall mean that: the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist with at least two directives. A teacher may remove a student for the remainder of the class upon the first event and for a maximum of two days of class upon the second or third event. Upon the reoccurrence of repeated events, a principal's suspension may occur. Notwithstanding the above, in light of circumstances that warrant suspension, a principal's suspension for substantially disruptive behavior may be implemented, in addition to, or in lieu of, removal of the student from the classroom by the teacher. Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom, the following procedures will be put into motion.

Step 1: The teacher must confront the student in class (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal) to inform the student of the reason(s) for the removal.

Step 2: Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events.

Step 3: The teacher must complete a District-established disciplinary removal form. He/she must meet with the principal or his/her designee as soon as possible, but no later than the end of the day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Step 4: The building principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal.

Step 5: Upon request, the student and his/her parent must be given the opportunity for an informal conference with the principal or designee to discuss the reasons for removal. If the student denies the charge(s), the principal or designee must provide an explanation of the basis for the removal. The student and/or his/her parent will be given the opportunity to present the student's version of the relevant events within 48 hours of the student's removal.

Step 6: The principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal principal's removal conference. The teacher who initiates the removal may be required to attend the principal's conference at the principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms. An appeal brought by the parent, or student over the age of 18, of a principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

Suspension from School - Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principal. Any staff member may recommend to the Superintendent or principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

There are 3 categories of suspensions from school and each are described below.

Short term (5 days or less) suspension from school: When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The

written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension, at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of any complaining witness under such procedures as the principal may establish. The principal shall promptly advise the parents in writing of his/her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five days of the decision, unless they can show extraordinary circumstances precluding them from doing so. In the appeal, the parents are to set forth why they are appealing and present any other documentation pertinent to the case. The Superintendent will review the documents submitted by the parents and the principal and render a written decision within 5 days. The Superintendent will advise the parents that if they are still not satisfied with the decision and wish to pursue the matter further, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the decision unless they can show extraordinary circumstances precluding them from doing so. The Board of Education will hear the appeal at their next regularly scheduled meeting or work session. When the Board of Education hears an appeal, they may only review the written documents submitted by the parents and the District. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Long term (more than five days) suspension from school: When the Superintendent determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf. The Superintendent shall personally hear and determine the proceeding or may, at his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendation as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the Superintendent's decision may be made to the Board of Education. The Board will make its decision based solely upon the record before it. All appeals to the Board must be made in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education will hear the appeal at their next regularly scheduled meeting or work session. When the Board of Education hears an appeal, they may only review the written documents submitted by the parents and the District, as well as the electronic record of the hearing. The Board may adopt in whole or in part, the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

Minimum Periods of Suspension

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

- The student's age
- The student's grade in school
- The student's prior discipline record
- Input from parents/teachers or others
- Superintendent's belief that other forms of discipline may be more effective
- Other extenuating circumstances

The Superintendent is required to refer the following students to the County Attorney (or the County presentment agency if not the County Attorney) for a juvenile delinquency proceeding before the Family Court:

- any student under the age of 16 who is found to have brought a weapon to school.
- any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.
- the Superintendent is required to refer students over the age of 16, or any student 14 or 15 years old who qualifies for juvenile offender status, to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun, or loaded firearm (as defined in §26S.00 of Penal Law) on school grounds (as defined in §220.000(14) of the Penal Law) qualifies for juvenile offender status under § 1.20 of the Criminal Procedure Law.

Students who commit violent acts other than bringing a weapon to school - Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom - Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school for at least 5 days (note cumulative effect). If the proposed penalty is the minimum suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Referrals

Counseling - The guidance office, school attendance officer, psychologist or student assistance counselor shall handle all referrals of students for counseling services upon the recommendation of school staff.

PINS Petitions - The District may file a PINS (Person in Need of Supervision) petition with probation in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- being habitually truant and not attending school as required by part 1 of Article 6S of the Education Law.
- engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- knowingly and unlawfully possesses a controlled substance in violation of Penal Law 221.OS. (A single violation of 221.OS will be sufficient basis for filing a PINS petition.)

County Attorney (Juvenile Delinquent and Juvenile Offenders) - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- any student under 16 who is found to bring a weapon to school.
- any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42)

Alternative Instruction

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately. In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the suspension period.

Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal (or may be appealed) to the Board of Education. All appeals to the Board must be made in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education will hear the appeal at their next regularly scheduled meeting or work session. When the Board of Education hears an appeal, they may only review the written documents submitted by the parents and the District. The Board shall review the record of the proceedings before the Superintendent or his/her designated hearing officer, including a review of the recording of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Suspension of Students with Disabilities

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

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

504/ADA Disability - For a student solely with a disability under 504 of the Rehabilitation Act of 1973 (hereinafter referred to as (504)/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the 504 multidisciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.

2. 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. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the 504 team.
3. Students with a recognized 504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.

IDEA Disability - For students classified or presumed to have disabilities under the Individuals with Disabilities Education Act (hereinafter referred to as "IDEA"), a Manifestation Team must make a manifestation determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 days or less in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are: the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

- The student's parent/guardian has expressed, in writing, to supervisory or administrative personnel of the school or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
- The student's parent has requested an evaluation of the student; or
- A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

- The student's parents have not allowed a relevant evaluation of the student by the Committee on Special Education (CSE);
- The student's parent has refused special education services; or
- It was determined by the CSE or Committee on Preschool Special Education (CPSE) that the student is not a student with a disability; or
- It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

Manifestation Determinations

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members or the Committee on Special Education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend and to inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:

- a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with 201.3 and 201.4(d)(2)(a) of the Commissioner's Regulations.

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent/guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of 200.5(a)(3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

Discipline of Students with Disabilities

When the Manifestation Team has made an

Affirmative Manifestation Finding

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

- The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) and the parent/ guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
- A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 201.8 of the Commissioner's Regulations is obtained.
- The violation involves weapons, drugs or serious bodily injury.

Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury - A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting (IAES) for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or at a school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

- 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."
- 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.
- The term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty."

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and

A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Dangerous Students - To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is dangerous and is substantially likely to cause injury to him/herself or others if returned to his/her last agreed upon placement. An impartial hearing officer may order the placement of the student in an IAES for up to 45 school days in accordance with 201.8 and 201.11 of the Commissioner's Regulations.

- The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.
- If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
- An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

Discipline of Students with Disabilities

When the Manifestation Team has made a
No Manifestation Finding

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Pendency Placement - An IAES shall be deemed the student's "stay put placement" for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest

- a finding that a student is not presumed to have a disability, and/or
- a finding that the student's misconduct was not a manifestation of the student's disability, and/or
- a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or
- the decision of an impartial hearing officer in a dangerousness hearing and/or
- the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

REPORTING CODE VIOLATIONS

To School District Personnel - Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the building principal or, in his/her absence, the acting designee. Teachers and other District personnel shall immediately report violent students to the building principal or Superintendent of Schools.

To Local Law Enforcement Agencies - The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a misdemeanor or felony to the appropriate local law enforcement agency. When necessary, the District will file a complaint in criminal court against the actor.

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

Washingtonville Central School District

Teacher Removal Incident Report

Student's Name: _____ Class-Grade: _____ Date: _____ Time: _____

Teacher: _____

Reason for Student Removal from Class (detailed description of incident):

Immediate Action Taken:

Actions Taken Prior to Removal:

Parent Notification Phone #: _____

Spoke directly to: _____ Left Message: _____

Follow up letter mailed: _____ Date: _____
Registered: _____ Signature Confirmation: _____

Principal or Designee Notified:

Date: _____ Time: _____ Face to Face: _____

Planned Follow Up:

Parent Meeting Scheduled: _____

Teacher Signature

Principal/Designee Signature