



Shenendehowa
Central School District

CODE OF CONDUCT

2024-25

Commitment to Excellence

shenet.org

BOE Regulation 4410R

The Code of Conduct for the Maintenance of Order on School Property

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WHAT'S NEW THIS YEAR?

Key updates to the Code of Conduct include:

Affirmation of Expectations:
Emphasizing the behaviors we want to see in our students.

Restorative Approach:
Changing behaviors that interrupt the educational experience by using restorative practices.

Violent Behaviors:
Appendix I outlines the legal requirements related to violent behaviors, providing clear guidance and ensuring compliance with legal standards.

Progressive Discipline:
Appendix II has been reorganized to highlight the progressive nature of our discipline policy.

Tobacco/Nicotine Use:
We have highlighted smoking, vaping, or the use of tobacco/nicotine products in a separate section to bring attention to this serious issue.



DR. L. OLIVER ROBINSON
Superintendent

Dear Shenendehowa Community,

The District's Commitment to Excellence for all students is unapologetic and unwavering. The ultimate goal is to stimulate intellectual curiosity and forge a sense of significance in **all** students as learners.

Equity in opportunities and outcomes is our core endeavor. Our goals are equity focused and innovation oriented, yielding learning experiences that are empowering and transforming. We are steadfast in our Commitment to Excellence, meaning the maximization of the talents of **all employees** and the cultivation of learning experiences that bring out the genius in **every student**.

Students are at the center of our work, we recognize that a quality instructional program promotes learning and a strong foundation for adult life. Our Values and Beliefs statements and Student Profiles serve as the guiding principles of our work and efforts. To that end, the District prioritizes health and safety of students and staff; supporting their social, emotional, and mental health; and fostering a **welcoming school environment** punctuated by a keen focus on belonging, cultural relevance, and engagement.

Dr. L. Oliver Robinson

Introduction - Shenendehowa Code of Conduct

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

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

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

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

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

OUR BELIEFS

The Code of Conduct outlines the beliefs, rights, and responsibilities of the Shenendehowa community members as we create a safe and welcoming environment, steeped in the principles of restorative practices of engagement and support.

Students learn best:

- when adults care about them and act as positive and inspiring role models.
- when they are psychologically and cognitively available, engaged (methods of instruction are responsive to their needs) and learning at the highest level.
- when self-directed learning is cultivated; pedagogical practices are modernized; and learning is contextualized.
- when the content is personally and globally relevant, incorporates students' cultural backgrounds and taught by motivated and well-prepared staff.
- when clear and consistent academic and behavioral expectations are communicated and understood.
- when their individual strengths and efforts are acknowledged and celebrated, and specific and timely feedback on their learning is provided leading to growth and improvement.
- in a culturally-responsive and inclusive school community where respect and civility are modeled by all.
- in a safe environment that promotes and facilitates positive mental health and wellness.
- when their families are encouraged and supported in taking an active and collaborative role in their education and they are provided with basic human needs (i.e. shelter, nutrition) in schools that are clean, well equipped, safe, inviting and conducive to learning.
- when school personnel actively and intentionally form meaningful relationships.

Communication with Families

All Shenendehowa teachers and other relevant staff are encouraged to be in regular communication with students and parents/legal guardians; this includes working to build trusting relationships through clear and timely information ranging from general school news to issues relating to individual students.

Communication should happen through multiple formats, including notes, phone calls, meetings, and relevant technology. An expansive communication approach is especially critical when concerning any issues outlined in this Code of Conduct. Parents/legal guardians have the right to be notified of any exclusionary forms of discipline.

Shenendehowa Profiles

See the Mission, Values & Beliefs, and Student & Employee Profiles document for additional information.

Review and Update

All codes of conduct must be documents that are regularly reviewed and updated. Any Code of Conduct must be a work in evolution.

Rights & Responsibilities

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

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

Students' Rights & Responsibilities

All students have a right to:

- Be seen, heard and known.
- Pursue their education in a safe, respectful, and intellectually nurturing environment.
- Learn through circumstances which permit healthy, intellectual, emotional, physical and moral development.
- Receive a free, sound, basic education and take part in all District activities without discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status or disability.
- Receive an education appropriate for the student's individual needs.
- Obtain an education which respects culture, race, socioeconomic background and the language of their home.
- Participate in educational programs that prepare students for jobs, for college, for responsible family life and for citizenship in a self-governing society.
- Have available resources needed to secure their educational rights.
- Be included and treated equitably
- Be protected from intimidation, harassment, bullying, or discrimination and report incidents of bias in accordance with the Dignity for All Students Act ("DASA"). See Education Law 12[1] and Policy 7555.
- Access District policies and rules at any time and receive an explanation of those policies or rules in an age-appropriate way from school personnel.

Students are responsible for:

- Taking responsibility for their own learning.
- Taking ownership of their own behavior.
- Being respectful of all adults and the values and views of other students.
- Being prepared for classes, attending school each day, and being ready to learn.
- Being positive members of the school community with regard to themselves, others and property.
- Attending school regularly to the best of their ability as required by New York State Law.
- Following reasonable and appropriate directions from school personnel and seeking help to determine reasonable alternatives when stress, problems, conflicts, and/or disputes occur.

Parents'/Legal Guardians' Rights & Responsibilities

All parents/legal guardians have a right to:

- Be seen, heard, and known.
- Be treated with respect as valued partners.
- Receive clear and timely communication about their student, including reports on academic progress and discussions about student successes and challenges provided in their chosen language.
- Expect that information about their student will be kept confidential.

All parents/legal guardians have a responsibility to:

- Treat District personnel with respect as valued partners.
- Support student attendance at school to the best of their ability as required by New York State Law.
- Engage in open conversation with District personnel in a respectful manner that supports students' overall participation and success in school and that aligns with the Code of Conduct.
- Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/legal guardians to build community and support the foundation for restorative practices.

Teachers' & Staff Rights & Responsibilities

All District teachers and staff have a right to:

- Be seen, heard, and known.
- Be treated with respect as valued partners.
- The privileges negotiated and outlined in the most recent professional contract associated with their role.
- Request and receive support when faced with new or challenging situations.

All District teachers and staff have a responsibility to:

- Contribute to a climate that is welcoming and inclusive in classrooms, schools, and all other spaces that serve students.
- Engage in open communication with students, colleagues, parents/legal guardians, and community members in a respectful manner.
- Follow all applicable laws and policies related to student privacy, accessibility, and communication.
- Uphold the items negotiated and outlined in their employment contracts.
- Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/legal guardians to build community and support the foundation for restorative practices.

Principals' & Administrators Rights & Responsibilities

All District principals and administrators have a right to:

- Be seen, heard, and known.
- Be treated with respect as valued partners.
- The privileges negotiated and outlined in their employment contracts.

All District principals and administrators have a responsibility to:

- Contribute to a community where members feel seen, heard, and known.
- Ensure that the school community knows, understands, and enacts important guidance and policies.
- Advocate for what is needed in order to support a fully functioning school community.
- Support the collaborative development of age-appropriate information outlining school-specific behavioral expectations and processes.
- Uphold the items negotiated and outlined in their employment contracts.
- Use isolation or exclusion from the learning environment only after exhausting all other best practices as outlined in this document.
- Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/legal guardians to build community and support the foundation for restorative practices.

Superintendents' Rights & Responsibilities

The District Superintendent has a right to:

- Be seen, heard, and known.
- Be treated with respect as a valued partner.
- The privileges negotiated and outlined in their employment contract.

The District Superintendent has a responsibility to:

- Contribute to instructional programs that are responsive and restorative to student, teacher, and staff needs.
- Reflect the values and mission of the District and the commitment to restorative practices as a tool to foster educational equity.
- Collaborate with District administrators, teachers and staff in upholding the Code of Conduct and ensure that all cases are resolved promptly and fairly.
- Uphold the items negotiated and outlined in their employment contract.
- Collaborate and share information with District administrators, teachers, staff, the Shenendehowa community, and the Board of Education and provide opportunities for feedback.
- Use isolation or exclusion from the learning environment only after exhausting all other best practices as outlined in this document.

Board of Education Members' Rights & Responsibilities

Board of Education members have a right to:

- Be seen, heard, and known.
- Be treated with respect as a valued partner.

Board of Education members have a responsibility to:

- Serve as the organizing body for regular review and approval of revisions to the Code of Conduct.
- Lead by example by conducting Board meetings in a professional, courteous and respectful manner.
- Create policies that form the Code of Conduct in alignment with best practices for curriculum, instruction, and student and educator development, as well as federal and state education laws.
- Focus on student success, including the development of a budget that provides for programs and activities in support of achieving the District goals as outlined in the Code of Conduct and other documents.

Developing a Positive School Climate & Culture

In order to ensure that every student receives a high quality education, each school must create a welcoming learning environment. Schools and classrooms must be sanctuaries for intellectual, social, emotional, psychological and cultural growth, as well as a place where the fundamental dignity of all members of the school community is protected and nurtured. This aligns with the District's goal statement for organizational culture, which stipulates the active engagement of culturally responsive and inclusive approaches, with students and employees feeling and reciprocating a sincere sense of belonging, acceptance, and compassion for others and their differences, while actively facilitating safety and positive mental health and wellness.

The Code of Conduct aligns with and endeavors to reinforce the essence of the District's goal statement, school, and classroom experiences, which stipulates the fostering and facilitating of dynamic and personally relevant learning experiences consistent with the [Profile of a Shen Student](#) (link). It is predicated on the knowledge and belief that students learn best when they are mentally and psychologically available for learning, self-directed learning is cultivated, pedagogical practices are modernized, and learning is contextualized.

The Code of Conduct fundamentally acknowledges that the purpose of community and/or individual interventions is best achieved when they address needs, resolve conflicts, restore relationships, and encourage inclusion within the school community.

Understanding our Approach to Building & Maintaining Relationships

Building positive relationships among students, teachers, and staff in the District requires time, professional development, and resources. A keen focus is on supporting alternatives to positively engage students through schoolwide and districtwide endeavors, recognizing that students behave and perform best when they are engaged and are provided with opportunities to explore interest areas. These alternatives must include empowering students, teachers, staff, and parents/legal guardians and be grounded in building genuine communities of learning.

Restorative Responses Aligned with our Values & Mission

The District's commitment is to cultivate an environment conducive to authentic learning and to foster student success for all. At Shenendehowa Central School District, we prioritize the belief that every student should feel seen, heard, and known. Instead of solely focusing on outlining transactional punishments for student behavior, we recognize the need to shift towards a more transformational restorative approach. Research indicates that existing systems and codes of conduct often result in disproportionate discipline for students of color, students with disabilities, those from economically disadvantaged backgrounds, and other marginalized groups, and have not effectively changed behaviors, leading to academic success.

The Code of Conduct aims to pave the way towards achieving excellence and equity within our school community. Therefore, the District is committed to a restorative, responsive, needs-based approach to support the understanding of behavior and the promotion of positive participation by all students in their education. Restorative practices are a set of strategies and approaches aimed at building and repairing relationships within a community. These practices focus on fostering a sense of accountability, empathy, and respect among individuals by addressing harm and conflict in a constructive manner. Rather than emphasizing punishment, restorative practices prioritize reconciliation, dialogue, and understanding to promote healing and prevent future incidents of misconduct.

A restorative practice approach is not an alternative to or replacement of more traditional disciplinary measures, but an option that must be considered and engaged prior to resorting to more punitive measures. Bottomline, behaviors or actions that interrupt the educational process, are harassing, or unsafe will be addressed and efforts made to correct accordingly. Sanctions such as suspension from school, internal or external, may still be warranted and applied in a measured way to effectively change behaviors, minimally restore the school environment to be safe and welcoming for all others.

Ongoing professional development and support for educators, students, parents/legal guardians, and community members will be necessary to implement restorative practices. The District and Board are committed to supporting this work. Parents/legal guardians are partners in this work and are encouraged to remind their students of the importance of a positive school culture and climate.

The goal of our Code of Conduct is to emphasize opportunities for restoration within and between our communities, moving away from punitive measures like suspension or permanent suspension unless mandated by law.

Supportive Responsive Classrooms

Sometimes outcomes in the classroom do not align with the expectations of adults and young people. Although these incidents can create difficult and uncomfortable experiences, they also provide opportunities for teachable moments. With a longer view, incidents can equally provide opportunities for relationship-building while also helping to minimize any future interruptions to instruction. Patterns of behavior at the classroom level that do not resolve have progressive interventions.

If a student's behavior is disruptive to the learning environment, the teachers and staff will do their best to address the behavior in the classroom using one of the interventions and restorative practices outlined below. These interventions and practices are developed at the building level, with District support, to best meet the different needs of various age groups.

Listed below are examples of some categories of student behaviors and situations that could be managed at the classroom level. This list is not meant to be exhaustive, but is instead an outline of what teachers, staff, students, and families might experience with restorative practices.

Disruption of the learning environment, which could include but is not limited to: not following class procedures and norms, not listening to directives from teachers or staff, inappropriate language, or verbal conflict/arguing.

Minor aggression toward other students, teachers, or staff that does not result in significant disruption or injury. Age, disability, and other factors should be considered in the context of aggression. For instance, a push or shove in a high school classroom can have a different impact than the same behavior in a first-grade classroom.

Using language or gestures that are inappropriate for school settings, which could include but are not limited to: slurs, swearing at others, mocking, or teasing.

Repeated lateness/tardiness to school or class that is impacting student learning for themselves and/or others. The following includes information from [Policy 7110](#) for tardiness/attendance:

- Each school will develop procedures to address tardiness.
- Schools will utilize data analysis for tracking individual student attendance and individual and group trends in student attendance problems.
- The attendance policy will be included in newsletters and other publications and reviewed with students at the start of the school year and with students entering during the school year. School newsletters and publications will include periodic reminders of the components of this policy.

Inappropriate use of electronic devices, including behavior that damages the electronics or violates [Policy 8140](#).

Tools for Implementing Restorative Practices

Before a Conflict Arises

Circle Processes

A circle process can be used as a tool to teach social skills such as listening, respect, and problem-solving. Circles provide participants an opportunity to speak and listen to one another in a safe atmosphere and are best utilized early in the establishment of a learning community. Getting to truly know and care for one another before many challenges arise can allow members of any community to solve problems in circles when difficult situations present themselves. This process recognizes that students can utilize conflict resolution practices and social skills to resolve conflict with help from a facilitator.

Social-Emotional Learning (SEL)

Social-emotional learning teaches skills that allow students to recognize and manage emotions, develop concern for others, establish relationships, make responsible decisions, and handle challenging situations constructively and efficiently. These are the skills that allow children and adults to calm themselves when angry, to make friends, to resolve conflicts respectfully, and to make ethical and safe choices.

After a Conflict Occurred

Empowering Those Who Have Experienced Harm

toward other students, teachers, or staff that does not result in significant disruption or injury. Age, disability, and other factors should be considered in the context of aggression. For instance, a push or shove in a high school classroom can have a different impact than the same behavior in a first-grade classroom.

Circle Processes

Again, when conflicts arise, engaging those who have experienced harm, enacted harm, and been impacted/ witnessed harm together in a circle to discuss the harms and their needs can be important. Once relationships are built, circle processes can be even more powerful in addressing harms, although this is not necessary.

Informal Restorative Practices

Informal Restorative Practices might include:

- Affective statements, which communicate people's feelings.
- Affective questions, which cause people to reflect on how their behavior has affected others.
- Proactive engagement with students and parents/legal guardians.
- Mentor relationships.
- Community service.
- Lunchtime table talks.
- Mediations (when appropriate and agreed upon by all parties).

Community/School Service

Community/school service allows students to restore a harm that may have been committed to the school community by providing a meaningful and appropriate service that contributes to their individual improvement. An example may include students spending time in one of the District's elementary schools working in a classroom side-by-side with teachers and staff to support the community.

In-The-Moment Conference

During challenging moments, seizing the chance to convene for a spontaneous conference can be beneficial. School administrators and other support staff are ready to assist educators and students in creating this necessary time and environment, reducing feelings of isolation. This collaborative exchange helps foster and reinforce relationships between students and staff while providing an opportunity to address conflicts.

Therapeutic Crisis Intervention For Schools (TCIS)

TCIS is an approach used in our schools to support students and adults alike. Crisis interventions are necessary in moments of challenge and as a tool to de-escalate challenging situations. The goals of TCIS are to:

- Create a trauma-sensitive environment where children and adults are safe and feel safe.
- Pro-actively prevent and/or de-escalate potential crisis situations with children.
- Manage a crisis situation in a therapeutic manner.
- Process the crisis event with children to help improve their coping strategies.

TCIS focuses on four key questions:

- What am I feeling now?
- What does this student feel, need, or want?
- How is the environment affecting the student?
- How do I best respond?

Accessing School & Community Resources to Support Positive Participation

These methods may work in tandem with family group counseling, mental health counseling, anger management, or behavioral coaching.

School-Level Resources

If a behavior is not manageable at the classroom level, the concern should be brought to building administrators. Building administrators will support students, teachers, and staff toward a resolution through restorative interventions, including those found in this document, and through continued communication.

The following list of potential student behaviors includes examples of situations that can be managed at the school or District level:

- **Repeated behaviors that are disruptive to the student's learning**, class environment, or teacher's practice.
- **Behaviors that are potentially violent or pose a potential danger to the student's self and/or others**, including actual violence and threats of violence.
- **Bringing weapons (as defined by New York State Law) to school.** Under New York Penal Code § 265.01-a, "it is against the law to possess a shotgun, rifle or firearm on the property of a school without the prior authorization of that educational institution. 'School' is defined as a school, college, or university." The District will of course not provide authorization for shotguns, rifles, or firearms to be on school property at any time.
- **Repeated use of banned substances on school property**, including tobacco/vapes and illegal drugs.
- **If law enforcement is needed for any of the above situations**, please refer to [Policy 5681](#).
- **In times of imminent danger or harm, 911** should be contacted immediately for rapid response.

Exclusion from School - Suspensions

Please refer to Appendix II - Exclusion From School & School Activities (Suspension & Permanent Suspension) for specific details.

Any isolation or exclusion from the learning environment will happen after exhausting all other best practices as outlined in this document or if the severity of the action warrants such intervention in accordance with applicable state and federal laws, rules, or regulations. If a building administrator determines that a student should be excluded from school, the building administrator must do the following:

- Conference with another building administrator to talk through alternatives to exclusion.
- Communicate with parents/legal guardians.
- Document the process using Infinite Campus.
- Arrange and ensure that alternative instruction and related services are provided during exclusion from school.
- Follow best practices for students returning to school (see Appendix IV)

Exclusion from school shall be coupled with restorative and inclusive approaches to unveil and address root causes of behaviors, and to effectively reacclimate the student back into the school environment. The following outgrowths of exclusion from school shall be considered and taken into consideration prior to executing the measure:

- **Lack of Resolution:** Simply removing a student from school does not address the underlying causes of their behavior or provide opportunities for growth and learning from mistakes.
- **Disruption of Education:** Exclusion interrupts a student's education, leading to academic setbacks and potentially reinforcing negative behavior patterns.
- **Social Isolation:** Being excluded from school can further isolate and marginalize students, potentially exacerbating behavioral issues and feelings of alienation.
- **Disproportionate Impact:** Exclusionary practices disproportionately affect marginalized groups, perpetuating inequities within the education system.
- **Missed Opportunities for Restoration:** Exclusion prevents the opportunity for restorative practices, which can promote accountability, healing, and positive relationships within the school community.

While the District's mission is to support students to learn positive behaviors through a restorative justice approach and limit school suspensions as a last resort, certain punitive measures are mandated by New York State Education Law and/or US Education Law, such as the mandatory one year suspension for firearm possession. For information on policies regarding suspension from school, please see Appendix I.

Please note that all students have statutory rights that must be met if they are to be excluded from school. The District also recognizes that students with disabilities deemed eligible for special education services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973 have certain procedural protections that school authorities must observe when deciding to suspend or remove. Students with disabilities are understood to be those with IEPs or 504 plans or those presumed to have a disability for disciplinary purposes. For more information about the rights and the special circumstances that must be met to exclude a student with disabilities, please see Appendix II.

Responsibly Referring to Outside Agencies

The District must follow all New York State Education Department (NYSED) guidance regarding mandatory steps to be taken before making a referral to any family court or child welfare system.

The District works with many outside partners to provide additional services to students and parents/legal guardians. Some of these partnerships include Saratoga Center for the Family, The Prevention Council, CAPTAIN, and Saratoga County Department of Mental Health & Addiction Services.

While NYSED law allows for referrals law enforcement or the family court system, the District is committed to minimizing criminal court system referrals except in limited and statutorily-mandated circumstances. The District will actively endeavor to utilize innovative and restorative alternatives that are both supportive and non-coercive.

State & Federal Policies and Guidelines

Dignity for All Students Act (DASA)

New York State's Dignity for All Students Act (DASA) took effect on July 1, 2012. The law seeks to provide students in the state's public schools with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, school buses, and/or at school functions.

The Board of Education condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation, and bullying on school grounds, school buses, and at all school-sponsored activities, programs, and events. For a complete description of the Board Policy, including definitions and processes, see [Board Policy 7555](#) and [Board Regulation 7555R](#). The regulation also outlines how the District implements the required components of the Dignity for All Students Act.

If you need to contact someone about bullying, cyberbullying, or harassment, please see the [Shenendehowa DASA webpage](#), which includes DASA coordinators by building.

Title IX

Title IX of the Education Amendments of 1972 (Title IX) prohibits sex (including pregnancy, sexual orientation, and gender identity) discrimination in any education program or activity receiving federal financial assistance. The District is committed to sexual harassment and assault prevention and response.

Title IX prohibits various types of sex discrimination, including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in District science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District education program or activity.
- Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- Dating violence.
- Domestic violence.
- Stalking, meaning engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to:
 - Fear for their safety or the safety of others.

- Suffer substantial emotional distress.

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged survivor. Reports may be made in person to the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be delivered at any time (including during non-business hours) by using the telephone number, email address, or mailing address listed for the office of the Title IX Coordinator.

Additional details, including contact information and reporting forms, can be found on the Sexual Harassment and Assault Response and Prevention webpage.

Workplace Violence

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace. Workplace violence is any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of their employment including, but not limited to:

- Any verbal or physical attempt or threat to cause physical injury on an employee.
- Any intentional display of force giving an employee reason to fear or expect bodily harm.
- Intentional, wrongful, and non consensual physical contact that causes injury.
- Stalking an employee with the intent of causing fear of harm to their physical safety and health.

Board [Policy 6185](#) and [Regulation 6185R](#) promotes the safety and well-being of all people in the workplace.

Other Important Policies

Dress Code

The Shenendehowa dress code is focused on promoting both safety and belonging – crucial tenets of a positive school culture. Students may dress in desired styles and may present themselves in a way that is consistent with their identity. Students or parents/legal guardians may contact classroom teachers and school administration regarding exemption from the dress code when religious, cultural, or medical reasons exist.

Dress Code Beliefs

The intent of this statement related to expected dress is to not be too vague, overly broad, or subjective (i.e., gender-biased). Subsequently, the following serve as examples of what is and is not allowed.

- All students should be able to dress comfortably for school in a way that promotes both safety and belonging, without fear of unnecessary discipline or body shaming, creating a positive school culture.
- Clothing must be appropriate for a school setting, and not excessively revealing, defined as clothing that does not cover, with opaque material, buttocks, genitals, and nipples.
- All students and staff should understand that they are responsible for managing their personal “distractions” without regulating individual students’ clothing/self-expression.

Addressing The Dress Code

School administrators, teachers, and staff should intervene in situations where clothing serves to:

- dehumanize groups or individuals;
- promote hate or encourage violence; or
- interfere with the safe and orderly functioning of the school operations.

When it is deemed that concerns pertaining to dress or clothing are in need of intervention, educators (staff, teachers, and administrators) should take an educational and restorative approach, handling the matter discreetly so as not to embarrass a student. Students have a right to a conversation about their clothing, and their parents/legal guardians should be notified about any actions taken in regard to clothing.

The District supports the requirement for students to wear appropriate protective gear/clothing in certain classes. Students have the right to request District support if they are not provided protective gear.

Electronics Policy

Board Policy 7317 and Regulation 7317R addresses students' online interactions with faculty, staff, and other students, as well as students' individual actions with electronic devices. The policy is intended to complement, not replace, existing regulations and District policies, including those related to acceptable use, social media, electronic communications, and data security.

The following expectations apply to all District-supported digital learning tools and platforms, and synchronous (live) lesson environments:

- Students are expected to use bias-free language when speaking and when communicating through text and/or chat features.
- If you identify a security and/or safety problem in the District's devices and/or educational platform, notify a teacher, staff member, or building administrator immediately.
- All District members must keep their account passwords and credentials secure and respect the digital privacy of others.
- Unauthorized use of the credentials of others to access the accounts or data of other students, staff, or District systems is a violation of the District's acceptable use policy.
- Students are subject to all local, state, and federal laws governing the Internet. Consequently, faculty and administration will cooperate fully with local, state, or federal officials in any investigation related to illegal activities conducted through Internet access.
- If a claim is made that a student has violated this policy, both the student and the parents/legal guardians will be notified of the alleged incident and given an opportunity to present an explanation.
- During online instruction, students do not have the right to record lessons or meetings with teachers or other students. Teachers may record their virtual lessons and will follow the District policies. Student engagement can and should be measured multiple ways, including, but not limited to oral participation, participation in the chat, or participation on other platforms.

Cell Phones

With the advent of nearly ubiquitous cell phone access, students and staff alike have to balance their school-related responsibilities with their personal responsibilities, interests, and needs to be accessible 24/7 with these handheld devices. Teaching and learning must come first, and cell phones may be utilized, if appropriate, as long as teaching and learning are at the core.

Strategies For Managing Expectations Around Cell Phone Use

With support, students should learn how to effectively manage and handle devices. Below is a list of proven strategies (not meant to be all-inclusive):

- Modeling boundaries with phone use and strategies (e.g., a teacher makes a habit of putting away their phone with the class).
- Asking students to inform their teacher in advance if they need to use their phone for an emergency related issue.
- Communicating with students and working to understand their needs around cell phone use.
- Developing clear classroom agreements around cell phone use and what works best when people forget or violate that agreement.

Additional Electronic Device Policies And Procedures

The District is not responsible for the loss or theft of electronic devices brought to school by students.

- Students are permitted to bring the following electronic items to school:
 - Cell phones
 - Laptops
 - Tablets
 - iPads and other similar computing devices
- Use of any device to misrepresent an individual, harass or bully, or promote illicit activity (e.g., fighting) is unacceptable.
- Staff and students are prohibited from creating, distributing, or using AI-generated explicit content with the intent to deceive, harass, defame, or otherwise harm individuals or organizations.
- Use of cell phones, computing devices, portable music and entertainment systems, and other electronic devices during the administration of state standardized examinations is governed by the New York State Education Department rules and may be prohibited.
- In the event of a building emergency, such as a lockdown, all cell phones must be silenced.

Visitors

The District recognizes that the success of the school program depends on support from the larger community. The Principal or their designee is responsible for all persons in the school building and on school grounds. In order to ensure the security of our school buildings, community members should follow these procedures:

- All visitors shall act in a respectful and courteous manner, following the applicable rules and regulations of a particular school building or venue, and in accordance with specific instructions provided by authorized school personnel.
- Disrespectful, belligerent, harassing, or hateful acts or actions will not be tolerated. Under such circumstances, the District reserves the right to ask the individual to leave or have the individual removed from District premises.
- All visitors to the school during school hours must enter through the designated main entrance and report to the main office upon arrival at the school.
- Visitors must follow the sign-in process and be issued visitor identification. Visitors may be requested to provide photo identification and must return the identification badge to the main office before leaving the building.
- Educators are not expected to take class time to discuss individual matters with visitors.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct and Board [Policy 3210](#).

Glossary

This glossary is included because it mirrors the phrasing of educational laws that the District is required to enforce, both throughout the document and beyond.

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

- **Behavioral intervention plan (BIP)** means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
- **Controlled substance** means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
- **Disability** means (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).
- **Disciplinary change in placement** means a suspension or removal from a student's current educational placement that is either:
 - For more than 10 consecutive school days; or
 - For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
- **Firearms** is defined under the Gun-Free Schools Act as the following:
 - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
 - The frame or receiver of any weapon described above.
 - Any firearm muffler or firearm silencer.
 - Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
 - Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
 - Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
 - The definition does not apply to a member of law enforcement, duly authorized to carry a firearm, and the firearm is lawfully stored inside a locked vehicle on school property, or if it is for activities that are school approved and authorized and the District has appropriate safeguards to ensure student safety (NY Educ. Law § 3214(3)(d)(3)(ii)).
- **Gender** means actual or perceived sex and shall include a person's gender identity or expression (Education Law §11[6]).
- **Gender expression** means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
- **Gender identity** means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Everyone has a gender identity.
- **Harassment/bullying** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, as defined in Education Law §11(8), that:

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being;
- reasonably causes or would reasonably be expected to cause a student to fear for their physical safety;
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.
- For purposes of this definition, the term "threats, intimidation, or abuse" shall include verbal and non-verbal actions. (Education Law §11[7]).
- **Cyberbullying** means harassment/bullying, as defined above, through any form of electronic communication. (Education Law §11[8]).
- **Illegal drug** means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
- **Interim alternative educational setting (IAES)** means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable them to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
- **Manifestation review** means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
- **Manifestation team** means a District representative knowledgeable about the student and the interpretation of information about child behavior, the parent/legal guardian, and relevant members of the committee on special education as determined by the parent and the District.
- **Pocket knife** means a knife that has a blade of less than two and one-half inches in length.
- **Removal** means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
- **School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- **School day** means any day, including a partial day, that students are in attendance at school for instructional purposes.
- **School property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §2801(1); §11[1] and Vehicle and Traffic Law §142).
- **School function** means any school-sponsored extracurricular event or activity (Education Law §2801(1); §11[2]).
- **Serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- **Sexual orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality. (Education Law §11[5])
- **Student presumed to have a disability for discipline purposes** means a student who, under the conditions set forth later in this policy, the District is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

- **Suspension** means a suspension pursuant to §3214 of New York's Education Law.
- **Violence**, according to the World Health Organization, means “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.”
- **Weapon** means the same as the term “dangerous weapon” under 18 USC §930(g)(2) which includes a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Additional Terms

- **DASA:** The Dignity for All Students Act (The Dignity Act or DASA) was established to protect all students from harassment, bullying, and discrimination. It became effective on July 1, 2012, and was amended to include cyberbullying effective July 1, 2013.
- **FERPA:** The Family Educational Rights and Privacy Act of 1974 is a United States federal law that governs the access to educational information and records by public entities such as potential employers, publicly funded educational institutions, and foreign governments.
- **Social and Emotional Learning:** Social and Emotional Learning (SEL) refers to the process through which individuals acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.
- **TCIS:** Therapeutic Crisis Intervention and Support (TCIS) is a crisis prevention and intervention program created by Cornell University designed to teach staff how to help students and adults learn constructive ways to handle crises.

Appendix I - List of Code of Conduct Violations

Shenendehowa is committed to building and maintaining a school climate that protects human dignity, where students feel safe, positive relationships between teachers, staff, students, and parents/legal guardians are nurtured, and students' self-expression and self-esteem are supported.

The District is also deeply committed to actively utilizing innovative and restorative practices to support substantive and longer-lasting changes in behavior, which connect students to their communities rather than exclude them. As mentioned previously, the goal of this Code of Conduct is to reject suspension or permanent suspension except when required by law.

Even with this concerted effort to find solutions beyond suspension or permanent suspension, all codes of conduct in New York State must have a section that outlines prohibited conduct. Further, the District has a legal and moral obligation to provide safe learning spaces to our students who are on the receiving end of violating behaviors.

Below are the legal requirements of prohibited conduct, as outlined in New York State Education Law 3214(2-a):

“a. Violent pupil. For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

1. commits an act of violence upon a teacher, administrator, or other school employee;
2. commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;

3. possesses, while on school district property, a gun, knife, explosive, or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing death or physical injury;
5. threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
6. knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
7. knowingly and intentionally damages or destroys school district property.

b. Disruptive pupil. For the purposes of this section, a disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom."

Additionally, 8-CRR-NY §120.5 requires school districts to prohibit and report on the following offenses:

- Homicide
- Sexual Offense
- Assault
- Weapons Possession
- Material Incidents of Discrimination, Harassment, and Bullying
- Bomb Threat
- False Alarm
- Threat (Other than bomb threat or false alarm)
- Use, Possession or Sale of Drugs
- Use, Possession or Sale of Alcohol

Appendix II - Levels of Infractions, Suggested Responses, & Possible Disciplinary Actions

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

The following table describes possible infractions, suggested responses, and disciplinary actions, beginning with lower level and ending with those of the most serious nature. It is not meant to be all inclusive. In all cases, those staff members charged with maintaining order at school and other sites at which student activities take place, are expected to carry out complete investigations and administer the

Code as consistently and equitably as possible taking into consideration:

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

When possible, discipline should be used as an educational opportunity to improve, encourage and modify future behavior, therefore, the following progression should be applied. In addition, educators and administrators should recognize and embrace the need to shift towards a more restorative approach where possible, unless suspension or permanent suspension are mandated by law.

As per Board Policy 5640 and Article 13-E of the Public Health Law, also known as the Clean Indoor Air Act, smoking and vaping is prohibited in school buildings, on school grounds, on buses, and at any school-sponsored event or activity that occurs off school grounds. See below for additional details on failure to comply with this policy.

Infraction Levels

- **Level 1:** Minor acts of misconduct that interfere with the orderly operation of a classroom, bus, school or school activity. In general, these types of infractions should be addressed using a restorative rather than punitive approach, unless there is a repeated pattern of behavior.
 - In no instance shall a student be internally or externally suspended for a single Level I infraction.
 - An accumulation of Level 1 infractions may elevate to a Level 2.
- **Level 2:** More serious or disruptive acts directed against people or property that do not seriously endanger the health or safety of others.
 - External suspension of an elementary student (grades K-5) should be the rare exception.
 - Other consequence options should be considered, tried, and/or exhausted prior to resorting to external suspension.
- **Level 3:** Major disruptions of school order include potential threats to the health and safety of others, or damage to property.
- **Level 4:** Misconduct that seriously endangers the health and safety of others and can possibly be categorized as criminal in nature.
 - All of the stated infractions, or infractions of similar degree, shall result in a more than five-day suspension from school and referral for a Superintendent's Hearing.

For all levels of infractions:

- A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed.
- A harsher penalty may not arbitrarily be imposed merely because the student does not cooperate with the District's investigation of an incident and/or does not admit guilt.
- Students may not be suspended from school for truancy, as this is inconsistent with the educational goal of encouraging students to regularly attend and participate fully in school.
- Consistent with its authority under applicable law and regulations, the District will report a crime committed by a student to appropriate law enforcement and judicial authorities.

Smoking, Vaping or Use of Tobacco/Nicotine

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

- **For all violations:**
 - Confiscation of tobacco/nicotine products and devices
 - Submitting a referral to document the details of violation for tracking purposes, including a referral resolution which contains information on the verbal agreement and/or next steps/plan
 - Notification of parents/legal guardians
 - The offer of information to the student about available education and/or cessation programs
 - Facilitation of the enrollment of the student in an evidence-based cessation program if the student expresses an interest on quitting in lieu of traditional disciplinary action at the discretion of the administrator
- **For first and second violations**, a collaborative conversation shall take place between the student and designated staff member to discuss:
 - What factors led to violation, including information on student's product usage, possible triggers for use and knowledge of physical, social and emotional harm caused by tobacco/nicotine.
 - The policy's purpose, which is to protect students from the impacts of long-term use.
 - A verbal agreement on next steps between student and designated staff member, which may include enrolling the student in an evidence-based education program as an alternative to suspension after repeated offenses. The education program may be facilitated by a designated staff member, such as a counselor, student support counselor

- or structured study hall monitor, and the student may be assigned a time/location at school to complete the education program, which may be before or after school, "working lunch," or structured study hall.
- The possibility of a behavior consequence, including but not limited to, loss of privileges, detention or suspension (MSS/ISS/OSS).
- Staff monitoring of the progress of the student found in violation of the policy.
- **For third and subsequent violations**, a supportive discipline meeting shall take place between the student, their parents/legal guardians and members of the student support team and or administrators to include:
 - A discussion of the following topics: past violations of policy, progress of student in treatment or other interventions, specific challenges and barriers to impeding policy adherence, commitment by student to avoid infractions and address tobacco/nicotine usage through on and off-campus resources and support from staff members and parent/legal guardian to ensure success.
 - Development of a plan monitored by a designated staff member to include collective agreement of consequences that will follow if this plan is not completed.
 - The student will be enrolled in an evidence-based tobacco/nicotine education program as an alternative to suspension.
 - Punitive approaches such as loss of privileges, detention, or suspension are used after supportive approaches listed above have been exhausted or there are extenuating circumstances such as a student was involved in other violations at the time of tobacco/nicotine violation and/or repeated violations.
 - Law enforcement will not be involved in any discipline process for tobacco/nicotine offenses.

Please note that smoking/vaping or possession of cannabis related products is covered below.

Progressive Discipline Tables

(Examples of Infractions, Suggested Responses, and Possible Disciplinary Actions)

PROGRESSIVE DISCIPLINE				
	Level 1	Level 2	Level 3	Level 4
Examples	<ul style="list-style-type: none"> • Teasing, name calling • Running, horseplay or minor disruptive behavior • Loud or Inappropriate language or gestures • Recurring failure to be prepared with class materials or supplies • Statements or actions that disrupt the educational process • Continued tardiness or abuse of hall or bathroom privileges • Failure to comply with dress code • Careless, unauthorized use of, loss, or damage to school property and facilities; littering • Generally interfering with the behavior or education of others • Unauthorized use of electronic devices • Misuse of parking privileges (HS) 	<ul style="list-style-type: none"> • Repeated Level 1 infractions • Threats, harassment, intimidation, or bullying • Taking of and/or dissemination unauthorized audio, photographic or video content, including creating, distributing, or using AI-generated explicit content • Chronic misbehavior • Inappropriate physical engagement, interaction, or altercation • Throwing or propelling objects that result in physical injury • Obscene/vulgar language or gestures • Repeated disruption of educational process or substantial interference with teacher's authority over classroom • Blatant disrespectful or insubordinate behavior, defiance, or refusal to follow directions • Repeated cutting of classes or cutting of detention • Distribution of inappropriate material, cheating, plagiarism, copyright infringement, forgery, or gambling • Driving infractions on school premises 	<ul style="list-style-type: none"> • Repeated Level 2 Infractions • Harassment including but not limited to a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sex stereotypes, pregnancy or related conditions, sexual orientation, gender identity, and sex characteristics • Fighting • Stealing • Extortion • Selling, possessing, using or being under the influence of alcohol, cannabis, or illegal substances on school property or at school sponsored events, including possession of drug paraphernalia or possession or misuse of any substance for the purpose of intoxication • Trespassing or unauthorized entry or use of school facilities • Vandalism or destruction of personal property or school property • Displaying what appears to be a weapon while on school property or at school sponsored events • Threatening to use a weapon while on school property or at school sponsored events • Reckless driving on school premises 	<ul style="list-style-type: none"> • Repeated Level 3 infractions • Possession of firearm or weapon at school, or any device that could be potentially detonated or exploded on school grounds or at school sponsored events (i.e. live ammunition, fireworks, etc) • Assault with intent to or that causes physical injury • Bomb threat • Tampering with or creating a false fire alarm • Arson • Committing an act of violence upon a school employee

PROGRESSIVE DISCIPLINE

	Level 1	Level 2	Level 3	Level 4
Suggested Responses	<ul style="list-style-type: none"> • Intervene and inform the student of the infraction and use a restorative approach • In the case of repetitive behavior, the staff member will communicate to the teacher and/or Principal • If the building administrator confiscates a student's cell phone, the cell phone must be turned off and stored in the principal's office • Referral form may be completed and sent to Principal's office based on severity or repeated infractions • If there is a referral, Principal and/or designee will notify the parent/legal guardian of the infraction and applicable consequence within 24 hours, provide an opportunity for an informal conference to discuss the infraction with student and parent/legal guardian, and update the referring staff member and student information system • Referral to the Instructional Support Team (IST), school counselor, or psychologist as needed 	<ul style="list-style-type: none"> • Intervene and inform the student of the infraction and use a restorative approach • Staff member shall complete a student referral form and report the infraction to the Principal and/or designee • Principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence • Principal and/or designee will notify the parent/legal guardian of the infraction and applicable consequence within 24 hours, provide an opportunity for an informal conference to discuss the infraction with student and parent/legal guardian, and update the referring staff member and student information system • Referral to the Instructional Support Team (IST), school counselor, psychologist • Child Protective Services may be contacted and a report made • Referral to Saratoga County Probation/Family Court 	<ul style="list-style-type: none"> • Intervene and inform the student of the infraction and use a restorative approach • Staff member shall complete a student referral form and report the infraction to the Principal and/or designee • Principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence • Principal and/or designee will notify the parent/legal guardian of the infraction within 24 hours and notify of the right to meet with the Principal and/or designee prior to imposing a penalty • In severe cases, a Superintendent's hearing may be held • Referral to the Instructional Support Team (IST), school counselor, psychologist • Child Protective Services may be contacted and a report made • Referral to Saratoga County Probation/Family Court • If criminal activity occurred police will be contacted • Filing of a PINS Petition (Person In Need of Supervision) 	<ul style="list-style-type: none"> • Intervene and inform the student of the infraction and use a restorative approach • The staff member shall complete a student referral form and report the infraction to the Principal and/or designee • Principal and/or designee shall meet with the student to determine the most appropriate disciplinary consequence • Principal and/or designee will notify the parent/legal guardian of the infraction within 24 hours and a conference will be held prior to imposing a penalty • In all cases, a Superintendent's hearing will be held • Referral to the Instructional Support Team (IST), school counselor, psychologist • Child Protective Services may be contacted and a report made • Referral to Saratoga County Probation/Family Court • If criminal activity occurred police will be contacted • Filing of a PINS Petition (Person In Need of Supervision)

PROGRESSIVE DISCIPLINE

	Level 1	Level 2	Level 3	Level 4
Possible Disciplinary Actions	<ul style="list-style-type: none"> • Restorative conference or action • Verbal warning • Written warning, documentation of behavior • Written apology • Temporary loss or restriction of privileges • Confiscation/securing of electronic devices • Payment for lost or damaged property • School or community service assigned by Principal or designee with consent of parent/legal guardian • Seat change (classroom or bus) • Behavioral contract or agreement • Detention • Teacher assigned detention • Temporary removal from class 	<ul style="list-style-type: none"> • Continuation of more stringent Level 1 options • Restorative and/or re-entry conference or action • Detention • Assignment to supervised study hall • School or community service as assigned by Principal or designee with consent of parent/legal guardian • Suspension of parking privileges • <u>Suspension from transportation</u> • <u>Suspension from athletic participation, extracurricular activities, or other privileges</u> • <u>Teacher removal of a student from a classroom for up to three days</u> • <u>In School Suspension (ISS) – Middle School</u> • <u>Mandatory Supervised Study (MSS) - High School</u> • <u>Short-Term Suspension (five days or less)</u> • <u>Suspension of a student with an Individualized Education Plan (IEP)</u> 	<ul style="list-style-type: none"> • Continuation of more stringent Level 2 options • Restorative and/or re-entry conference or action • Restitution • School or community service as assigned by Principal or designee with consent of parent/legal guardian • Suspension of parking privileges • <u>Suspension from transportation</u> • <u>Suspension from athletic participation, extracurricular activities, or other privileges</u> • <u>Teacher removal of a student from a classroom for up to three days</u> • <u>In School Suspension (ISS) – Middle School</u> • <u>Mandatory Supervised Study (MSS) - High School</u> • <u>Short-Term Suspension (five days or less)</u> • <u>Long-Term Suspension (more than five days)</u> • <u>Suspension of a student with an Individualized Education Plan (IEP)</u> 	<ul style="list-style-type: none"> • Continuation of more stringent Level 3 options • Restorative and/or re-entry conference or action • Restitution • <u>Long-Term Suspension (more than five days)</u> • <u>Suspension of a student with an Individualized Education Plan (IEP)</u> • Pursuant to federal and state law, students deemed to have brought or possessed a firearm at school, or brought a weapon to school (exceptions are noted in Gun Free Schools Act), must be suspended for a minimum period of one calendar year, subject to modification on a case-by-case basis by the Superintendent (20 USC Sec. 715 (b)(1); Education Law 3214 (d) (3))

Appendix III - Exclusion From School & School Activities

(Suspension & Permanent Suspension)

Classroom Removal/In-School Suspension

The District recognizes the school must balance the need of students to attend school and the need to establish an environment conducive to learning. As such, the Board authorizes principals and the Superintendent to temporarily remove students from a classroom or learning space. Students subject to such temporary removals will be provided appropriate tutoring services, and restorative approaches will continue to be explored and utilized.

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

- Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation, and disposition.
- Utilize support personnel to find ways of helping the student and/or parents/legal guardians to solve the problem (teachers, school counselor, student support counselor, psychologists, social worker, etc.).
- Utilize all school and community agencies which might prove helpful.
- Record all attempts to deal with problems, including conferences with parents/legal guardians, teacher observations, record of referrals to other personnel and agencies and their reports.
- School personnel shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period. A student may be suspended:
 - Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, health and welfare of others, OR
 - Whose physical or mental condition endangers the health, safety of himself/herself or of others.
- When the Principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to oneself or others is "violent and/or disruptive" as defined above in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent.
- As further enumerated in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the District's Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.
- Pursuant to the District's Code of Conduct, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such a period on a case-by-case basis to be consistent with any other state and federal law.
- When a student of any age is suspended out of school, immediate steps must be taken to provide alternative instruction for the student, which must begin as soon as possible but no later than 2 days following the commencement of the suspension. Such instruction, to be provided throughout the period of suspension on a daily basis so far as possible, must be equivalent to that provided in the student's regularly scheduled classes, but need not match every aspect of the student's regular program. Ten hours of instruction will be provided each week to elementary students, fifteen hours to secondary students, and time missed because the instruction begins after the first day of suspension will be made up either during the period of suspension or after the student returns to school. The process for arranging and providing the alternative instruction shall be as set forth in Regulation 8450R.

Teacher Removal of Student From Classroom

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

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

In School Suspension (ISS) – Middle School

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

Mandatory Supervised Study (MSS) – High School

- Mandatory Supervised Study (MSS) can be imposed by someone other than the Principal.
- Although not subject to a formal process, the parents/legal guardians must be provided with the opportunity for an informal conference with the individual who imposed the suspension to discuss the student's misconduct and the penalty involved.
- Mandatory Supervised Study (MSS) shall not prevent, prohibit, or otherwise impede a student's access to appropriate instruction. Students shall receive substantially equivalent, alternative instruction.

Suspension from School

Suspension from school may be imposed only in accordance with New York State Law, and should be avoided at all costs for a variety of reasons.

The District retains its authority to suspend students but places primary responsibility for the suspension of students with the Superintendent and building principals.

All staff members must immediately report and refer a student who is violent to the Principal or the Superintendent (see Appendix I). 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 reporting the concerning behavior. 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.

Short-Term Suspension (Five Days or Less)

When the Superintendent or Principal (typically referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or fewer pursuant to Education Law §3214(3), the Superintendent or Principal must immediately notify the student verbally. If the student denies the misconduct, the Superintendent or Principal must provide an explanation of the basis for the proposed suspension. The Superintendent or Principal must also notify the student’s parents/legal guardians 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/legal guardians. Whenever possible, notice should also be provided by telephone if the school has been provided with telephone numbers for the purpose of contacting the parents/legal guardians.
- The notice shall provide a description of the ways by which the student violated the Code of Conduct, including details of the incident for which suspension is proposed.
- The notice shall inform the parents/legal guardians 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/legal guardians.
- At the conference, the parents/legal guardians shall have the right to ask questions of complaining witnesses under such procedures as the Principal may establish. If the opportunity is not afforded to a parent/legal guardian, the student suspension may be annulled and expunged from the student’s record.
- The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

A suspension may be carried over to the following school year when misconduct occurs at the end of the school year and the suspension can be meaningfully implemented only at the beginning of the following school year.

After the conference, the Principal shall promptly advise the parents/legal guardians in writing of their decision.

- The Principal shall advise the parents/legal guardians 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 ten (10) business days unless they can show extraordinary circumstances precluding them from doing so.

- The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal.
- If the parents/legal guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.
- Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Long-Term Suspension (More than Five Days)

When the Superintendent, Principal or designee determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents/legal guardians of their right to a fair hearing (at least three days). At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf. An interpreter should be available if needed.

- The Superintendent shall personally hear and determine the proceeding or may, at their discretion, designate a hearing officer to conduct the hearing.
- The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them.
- A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record.
- The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
- When a student of any age is suspended from school, immediate steps must be taken to provide alternative means of instruction for the student. Such alternative instruction must begin within one or two days of suspension. Alternative instruction does not have to match every aspect of the instructional program the student received prior to the removal from the classroom.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any type of firearm, explosive, or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, or item being intentionally used as a weapon; the hearing officer or Superintendent will not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely on the record before it.

- All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision unless the parents/ legal guardians can show that extraordinary circumstances preclude them from doing so.
- The Board may adopt in whole or in part the decision of the Superintendent.
- Final decisions of the Board may be appealed to the Commissioner 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 well-being of other students, school personnel, or any other person lawfully on school property or attending a school function.

Suspension from Athletic Participation, Extracurricular Activities, & Other Privileges

A student may also be subjected to a suspension from athletic participation, extracurricular activities, or other privileges such as social functions or special recognitions. In such cases, the student is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/legal guardian will be provided with a reasonable opportunity for an informal conference with the administrator imposing the suspension to discuss the conduct, any disciplinary action(s), and next steps. Special recognitions include, but are not limited to honors, scholarships and other accolades at which the student represents the school or District as an example to others. See [Policy 7315](#) and [Regulation 7315R](#) Athletic Code of Conduct and [Policy 7316](#) Student Activity Code of Conduct for additional information regarding eligibility to participate in athletics and activities, as well as offenses and penalties applicable to the Athletic Code of Conduct.

Suspension from Transportation

The goal of the Code of Conduct is to reject suspension or permanent suspension and actively pursue restorative practices to resolve any incidents or situations; this includes suspension or permanent suspension from bus transportation.

When a student does engage in dangerous or disruptive behavior, the bus driver is expected to bring such misconduct to the principal's attention. Again, the goal is to actively pursue restorative practices to resolve any incidents or situations. Still, students engaged in dangerous or disruptive behavior may have their riding privileges suspended by the Principal, the Superintendent, or their designees.

In such cases, the student's parent/legal guardian will become responsible for safely transporting their student to and from school. Should any suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

Discipline Procedures For Students Attending BOCES

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

In-School Suspension

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

BOCES Activities

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

Exhaustion of Administrative Remedies

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

Appendix IV - Discipline Of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove, or otherwise discipline students with a disability who violate the District's student Code of Conduct, and/or to temporarily remove a student with a disability from school when their behavior violates the Code of Conduct. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973 have certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

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

Authority of School Personnel to Suspend or Remove Students with Disabilities

A Principal may remove a child with a disability who violates a Code of Conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

The Principal may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed 10 consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph if the Principal or hearing officer determines that the student's behavior warrants the suspension. Additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct may also be ordered, as long as the suspensions do not constitute a disciplinary change of placement.

If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities although it may be provided in an interim alternative educational setting.

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

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

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

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

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

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents/legal guardians will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification.
3. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerns weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES for up to 45 school days.
4. A student with a disability who is removed from their current placement shall:
 - a. continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
 - b. receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

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

A student with a disability may not be removed for more than 10 cumulative school days in a school year until a meeting occurs to determine whether or not the behaviors resulting in suspension demonstrate a pattern of behavior. The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth in this Code of Conduct, unless:

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

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

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

Parental/Guardian Notification of a Disciplinary Change of Placement

The District will provide the parents/legal guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student Code of Conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Appendix V - Best Practices to Support a Return to School

The District recognizes that exclusion from school can have a profoundly negative impact on students and families. For this reason, the District will make every effort to support students' re-entry to school. The Superintendent may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Superintendent retains discretion in offering this opportunity. If and when the student and/or parent/legal guardian agrees to this option, the terms and conditions shall be specified in writing.

Actions that are important to be taken during this transition are:

- At the point of removal, assure the student's parents/legal guardians that the student will not be penalized for lost instructional time and will be given support with completing work upon their reentry.
- Notify teachers and any support staff who work with the student of the number of days of suspension and the anticipated return date. Encourage them to stay in contact with the student if appropriate.
- Schedule a face-to-face re-entry conference with the student and parent/legal guardian prior to the reentry date. It is recommended that the reentry conference should cover the following topics:
 - Time to share feelings and resolutions about returning to school.
 - Solving any unresolved issues that they would like to address upon return.
 - Discussion of insights the parents/legal guardians have that could deepen the school's understanding of the student and the incident that resulted in the removal.
 - Coaching the student on what they can do or say if peers inquire about the reason they were out of school (i.e., privacy and confidentiality are rights that they have).
 - A work completion plan and referral to support staff for assistance if needed.
- Explore other possible practices, such as:
 - Determining a restorative action plan which can include (among other things) mediation; restorative conversations; community service and coaching/counseling session.
 - Determining if a skill building plan for replacement behaviors should be developed and who will take point on the development of the plan.
 - Determining if a safety plan should be put in place that could include a change in schedule, supervision during unstructured times of day.
 - Setting a date (no longer than two weeks from the return date) for the student, key staff, and family to come together for a check in to determine if any other supports or interventions are needed.

Appendix VI - Student Privacy

Student Privacy Pursuant to Policy 7330

Each student is entitled to the right of personal privacy and is protected by Constitutional guarantees; however, each student's right of privacy is necessarily limited by the District's need to protect its educational climate from disruption by the presence of weapons, drugs, or other dangerous or prohibited items.

A student may be searched and contraband seized on school grounds or in a school building by a District employee only when the District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal. School officials have no obligation to give students Miranda-type warnings prior to questioning them while investigating school-related misconduct or a breach of school security.

1. Lockers & Desks – Students may expect privacy from other students regarding their lockers, desks, or other storage areas. However, under the law, lockers and desks remain in the possession and control of the school when they are made available for student use and are subject to searches by school authorities at any time without warning. Students may use lockers and desks for the limited purpose of temporarily keeping items needed for instructional and school activities, and other permissible activities in school. Lockers and desks will be checked from time to time, without prior notice by the school to students or parents/legal guardians, to ensure that they are not being used for any unauthorized purposes. The Principal may set aside a time period during which all students will clean their lockers and desks, remove all prohibited items, and return any overdue library books. Prohibited items found in lockers will be removed and held for the students for a reasonable period of time. Prohibited items may be released to the student's parents/legal guardians or turned over to the police. Stolen property will be returned (unless turned over to police as evidence) to its owner.
2. Searches of Students– School authorities search students and/or their belongings where reasonable suspicion of a violation of the Code of Conduct or a violation of the law exists. Searches shall be conducted by authorized school personnel, and may be in the presence of law enforcement representatives. A search beyond outer clothing will be conducted only by a school administrator of the same gender as the student and in the presence of another school District employee or law enforcement representative who is also of the same gender. In all instances the parent or legal guardian shall be informed as to the reason(s) for the search, and allowed to be present if practical to do so.
3. Cell Phones - If the building administrator confiscates a student's cell phone, it must be turned off and stored in the principal's office. Due to the sensitive nature of the contents of the phone, this policy should only allow for searches in limited circumstances when reasonable suspicion to believe that a serious and/or potentially dangerous violation of the law or a school rule has occurred and reason to believe that evidence of the violation will be found in the contents of the phone.
4. Vehicle Searches - A search may be conducted of a student's vehicle parked on school grounds when there is reasonable suspicion of a violation of the Code of Conduct or a violation of law.
5. Searches Using Canine Units - Administration may authorize canine searches by law enforcement personnel without advance notice or warning to students or school personnel.
6. Investigation Interviews – If there is reasonable suspicion of a student committing a crime on school property or at a school event, parents/legal guardians will be informed that the student will be questioned by the school principal or their designee and possibly by law enforcement. If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Within the framework of legal rights, students have a citizen's responsibility to cooperate with law enforcement authorities. A police agency assisting with the investigation of a crime at school may be involved with the interviews of possible witnesses. The parents/legal guardians of said witnesses will be advised of their student's cooperation and interaction with the police agency.

Due Process

Before the District imposes discipline, students are entitled to due process. In every case, the District must inform the student of the misconduct and investigate the facts surrounding the misconduct. The District must allow all students to present their version of the facts. Beyond this, the level of due process ranges from parental/legal guardian notification and informal conferences to a formal hearing pursuant to Education Law §3214.

Referrals

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by: a) being habitually truant and not attending school as required by part one of Article 65 of the Education Law, b) engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school, or c) knowingly and unlawfully possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

The Principal must notify the Superintendent of any code violations that constitute a crime and substantially affect the security of the school. The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court: a) any student under the age of 16 who is found to have brought a weapon to school, or b) any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42).

Appendix VII - First Amendment Rights

The First Amendment in the Bill of Rights of the United States Constitution provides in part that Congress will make no law prohibiting the free exercise of religion, freedom of speech, the right of people to assemble peaceably, and the right to petition the government for a redress of grievances. While students are afforded the opportunity to exercise said rights, the Principal must be provided advanced notice of any potential acts or actions in order to appropriately allow said rights while preserving a positive learning environment.

The District has the right to establish reasonable regulations for the exercise of these rights by its students so as to ensure and preserve a safe, orderly environment that is not disruptive to the educational process. Some of the specific rights that students have under this amendment and the conditions under which they may exercise these rights are as follows:

1. Student Speech – Although the First Amendment to the U.S. Constitution guarantees freedom of speech, that does not permit students to interfere with the orderly conduct of classes, to force others to participate in a particular method of expression, or to violate the rights of those who disagree with their viewpoint. Therefore, student speech may be subject to disciplinary action or restriction if it:

- a. Is slanderous, hateful in nature, discriminating, spoken maliciously and/or without regard to the truth.
- b. Clearly and immediately urges others to damage property or physically harm others.
- c. Materially or substantially interferes with the normal operation of the school.

2. Literature Distribution, Surveys and Petitions – Although students have certain rights regarding speech, any distribution of literature including questionnaires, surveys and petitions on school grounds shall only be with the prior authorization of the Superintendent or designee.

- a. School authorities may regulate the distribution of literature on school grounds for the purpose of avoiding material and substantial interference with the educational operation of the school. Flyers or other materials that totally consist of advertising or intent to promote a business or business transaction may not be handed out on school property or advertised using school email or website unless associated with a school approved fund raising activity.

3. Patriotic Ceremonies - The State of New York requires that the Pledge of Allegiance be recited while saluting the flag each day in the schools. Anybody has the right to refrain from either the pledge or the salute. In doing so, they have the responsibility to respect the rights and interests of classmates who wish to participate. Students who choose not to participate may stand or remain seated quietly while the ceremony is in process. They do not need to obtain permission from their parents/legal guardian to exercise this right.

4. Buttons, Armbands, and Other Symbols - Students have a right to wear or display buttons, arm bands, flags, decals, or other badges symbolic of personal expression, as long as the manner of expression does not significantly intrude on the orderly process of the school or the rights of others. Such symbols of expression must not contain obscene, lewd, vulgar, discriminatory, libelous material or material that advocates violence or prejudice on the basis of a protected classification.

5. Religious Activities - The District shall make all attempts and take the necessary steps to avoid violations of the Establishment clause, avoiding both perceived and actual endorsement of religion. Religious indoctrination is inappropriate in the public schools and is not supported by the District. Students have the right to individually observe whatever religious beliefs they wish, free of any pressure from schools or classmates. For more information about these matters, please see the Principal.

- Students may use facilities provided by the school to meet and openly pray during the school day; attempts should be made to limit the impact to instructional activities where possible.
- During non-instructional time, students may also meet and openly pray or conduct religious text study activities. Since all students have this right, everyone must be conscious of and respect the sensitivities of others in this regard.
- School personnel may attend such meetings only as monitors, not as advisors or participants.
- Said meetings may not interfere materially or substantially with the orderly conduct of school activities.
- The use of religious readings for historical, literary and cultural references that are required elements of a course is permitted. Similarly, religious music, as a part of a secular program or concert, is permitted provided it is educational or cultural and not for religious purposes and on a voluntary basis.
- Under certain circumstances, students may be released during regular school hours to receive religious instruction upon written request from the parent/legal guardian. The instruction cannot be provided at the school. Such programs must be completely voluntary, and the education of the students remaining in school may not be disrupted.
- Students also have the right to be excused from certain parts of the health and hygiene courses if the curriculum conflicts with their established religious beliefs.

6. School Newspaper and Student Publications - Newspaper staff members, contributors, or editors and students have a responsibility to observe the rules for responsible journalism and, in particular, to refrain from libel and obscenity. The school has the right to halt the distribution of materials that would materially and substantially interrupt the educational process or intrude upon the rights of others. Students may take photographs, and make audio/visual recordings with prior permission of the Principal or adult supervisor in charge of activity or classroom for news or documentary purposes as long as they do not materially and substantially interrupt the educational process or intrude upon the rights of others. Students who are not members of the newspaper staff may have their work submitted and considered for publication in the school newspaper, particularly in those instances where non-editorial staff opinions differ from those of the editor.



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