



CODE OF CONDUCT

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NAPLES CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

I. Introduction

The Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to assure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

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

II. Definitions

For purposes of this Code, the following definitions apply:

“**Act of violence**” is an act against a person that includes, but is not limited to, biting, hitting, kicking, punching, pushing and shoving, and scratching.

“**Cyber-bullying**” means harassment or bullying as defined below, where such harassment or bullying occurs through any form of electronic communication. It can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. The District’s Policy on Student Harassment and Bullying Prevention and Intervention and its accompanying regulation provides more guidance regarding the definition and characteristics of Cyber-bullying.

“**Dignity for all Students Act**” or (**DASA**) was enacted in response to the increasing number of incidents involving harassed, ostracized and socially isolated students who, as a result of their maltreatment, engaged in dangerous behavior. The Dignity Act was signed into law to create a safe learning environment for our state’s public school students. Under DASA, no student shall be subjected to discrimination based on their: actual or perceived race; color; weight; national origin; ethnic group; religion; religious practice; disability; sexual orientation; gender, or sex. The Dignity Act applies to all incidents on school property (in a school building, athletic playing field, playground, parking lot, school bus); The Dignity Act applies to public school functions (school extracurricular events or activities – on or off school property).

“Disruptive student” means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the staff member’s authority over the classroom. “A substantial disruption” of the educational process or a substantial interference with a staff member’s authority occurs when a student demonstrates a persistent unwillingness to comply with the staff member’s instructions, or repeatedly violates the school or classroom rules.

“Discrimination” is the act of denying rights, benefits, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under Harassment, below).

“Harassment and Bullying” as defined by DASA as amended defines harassment and bullying as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse (including cyber-bullying) 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. It also includes conduct that reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or conduct which 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. The phrase "threats, intimidation or abuse" includes both verbal and non-verbal actions. The harassing behavior may be based on any characteristic, including but not limited to a person’s actual or perceived:

- race,
- color,
- weight,
- age,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Specifically, harassment can include any verbal, written or physical conduct which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to derogatory remarks, jokes, demeaning comments or behaviors, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, etc. The District’s Policy on Student Harassment and Bullying Prevention and Intervention and its accompanying regulation provides more guidance regarding the definition and characteristics of Harassment and Sexual Harassment, in particular.

“Hazing” is a form of harassment among students defined as any intentional or reckless act directed against another for the induction, initiation or membership process in any school sponsored activity, organization, club, or team involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule. Hazing of a student includes soliciting, encouraging, aiding, or engaging in “hazing” behavior as defined pursuant to District policy, regulation and/or law. Hazing is demeaning, abusive and/or illegal behavior that harms victims, and is inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Permission, consent or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in the policy. The District’s Policy on Student Harassment and Bullying Prevention and Intervention and its accompanying regulation provides more guidance regarding the definition and characteristics of Hazing.

“Illegal/Inappropriate/Prohibited Substances” include but are not limited to, inhalants, marijuana, synthetic “marijuana” cannabinoids (*synthetic cannabinoids consist of plant material coated by chemicals that mimic THC, the active ingredient in marijuana*), cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, look-alikes, alcohol, tobacco (including any look alike products designed to mimic the effects of tobacco such as, but not limited to, electronic and vapor cigarettes), and prescription or over-the-counter drugs when possession or use has not been authorized in accordance with District policy and procedure or such are inappropriately used or shared with others.

“Plagiarism” is the use or close imitation of the language and ideas of another author and representation of them as one’s own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.

“Retaliation” means when any member of the school community retaliates against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have retaliated even if the underlying complaint of harassment is not found to be a violation of this code of conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

“School function” means any school-sponsored extra-curricular event or activity.

“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, as defined in Vehicle and Traffic Law §142.

“Sexual Harassment” specifically means sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.
- b) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.
- c) The conduct, on the basis of sex, could interfere with a student’s educational performance and/or deny or limit a student's ability to participate in or to receive benefits, services or opportunities in the school’s programs.

This applies whether the harassment is between people of the same or different gender. Sexual harassment can include, but is not limited to, verbal, written or physical conduct, directed at or related to a person’s gender or gender expression, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, touching, pinching, grabbing, kissing or hugging or restraining someone’s movement in a sexual way. It also includes sexual violence which is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

For purposes of this regulation, sexual harassment includes all verbal or physical conduct of a sexual nature between a District employee, officer, volunteer, vendor or visitor and a student. With respect to sexual harassment between students, the verbal or physical conduct of a sexual nature must be unwelcome to constitute harassment.

“Sexual Orientation” is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

“Threat” means an expression of intention to cause harm, do violence, intimidate, or punish.

“Violent student” means a student under the age of 21 who:

1. Commits, attempts, or threatens an act of violence upon a school employee.
2. Commits, attempts, or threatens an act of violence upon another student or any other person lawfully on school property or at a school function.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act and the District weapons policy. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, paint ball gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or look-alikes (i.e., fake items made to look like any of the aforementioned or other weapon), pocket-, pen-, or other knife, or other device, instrument, material, or substance (“other Item”) that can cause physical injury or death when used, or when such other item is brandished as a weapon.

III. Student Rights and Responsibilities

Students’ Rights

1. Students have the right to pursue an education in an atmosphere that is safe and conducive to learning and to achieve all that they are capable of achieving.
2. Students have the right to enroll in a particular course of study that best meets their needs.
3. Students have the right to be respected on the merits of their attributes as individuals.
4. Students have the right to procedural due process, guaranteed by the United States Constitution and New York State Education Law, prior to disciplinary action taken against them. Students have the right to freedom of speech and expression, which does not interfere with the educational process or infringe upon the rights of others.
5. Students have the right to be free from discrimination, harassment and/or retaliation on school property or school functions including but not limited to the educational program, activities, or admission policies of their school.

Students’ Responsibilities

1. Students will conduct themselves with respect toward self, fellow students and teachers in accordance with the District Code of Conduct and the provisions of DASA. Students will conduct themselves in a manner that fosters an environment that is free from bullying, cyber bullying, harassment, discrimination and/or retaliation. Students should also report and encourage others to report any incidents of bullying, cyber bullying, harassment, discrimination and/or retaliation.
2. Students will maintain as high a scholastic average as possible.
3. Students will follow the directions of the faculty and administration at all times.
4. Students will fulfill all academic and behavioral classroom obligations to teachers.
5. Students will show respect for school property and for the property of others.
6. Students will demonstrate good sportsmanship at all times and in all school activities.
7. Students will dress in a clean, presentable manner, in accordance with guidelines specified by the administration in the Code of Conduct, regarding appropriate school dress.
8. Students will take an active part in student government by running for office or conscientiously voting for the best candidates and making his/her problems known to the representative.

IV. Essential Partners

The Naples Central School District believes that appropriate student behavior is a result of cooperative efforts among students, parents, staff members, the administration and the Board of Education. All essential partners will demonstrate respect for school and societal rules. The District therefore emphasizes the need for the entire school community to provide a meaningful educational experience to all District students.

A. Parents

All parents are expected to:

- Recognize that the education of their children is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the District.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Report incidents of bullying, cyber bullying, harassment, discrimination and/or retaliation discrimination, harassment and/or retaliation that are witnessed or otherwise brought to a parent's attention in a timely manner.

B. Teachers

All District teachers are expected to:

- Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, age, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan
- Communicate regularly with students, parents and other school district personnel.

- Confront issues of bullying, cyber bullying, harassment, discrimination and/or retaliation or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. Report all incidents in a timely manner.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. Administrators

All District administrators are expected to:

- Promote a safe, orderly and stimulating school environment, which supports active teaching and learning.
- Facilitate regular communication (including the redress of grievances) among staff, students, and parents.
- Evaluate on a regular basis all staff and instructional programs.
- Support the development of and student participation in appropriate extracurricular programs and assess and adjust as needed.
- Be responsible for enforcing the Code of Conduct and resolving all cases promptly and fairly.
- Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, age, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- Confront issues of bullying, cyber bullying, harassment, discrimination and/or retaliation or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. Report all incidents in a timely manner.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

D. Other School District Personnel

All other School District personnel are expected to:

- Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- Demonstrate interest, enthusiasm and concern for student health, safety, and achievement.
- Know District policies and enforce them in a fair and consistent manner.
- Confront issues of bullying, cyber bullying, harassment, discrimination and/or retaliation or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. Report all incidents in a timely manner.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Communicate regularly with students, parents and other school district personnel as appropriate.

E. Board of Education

All School Board members are expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and parents/visitors on school property and at school functions.
- Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
- Support the efforts of teachers, staff, and community to provide the highest quality education for students.
- Be student advocates and interact with parents; helping students achieve success by promoting a clear and open line of communication between parents and the Board of Education.
- Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
- Report issues of bullying, cyber bullying, harassment, discrimination and/or retaliation or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

V. Acceptable and Unacceptable Dress

- All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. School is a workplace and student attire should be appropriate for the workplace. Student attire should be a reflection of the atmosphere of mutual respect, as dress code expectations are intended to promote an emotionally safe environment for all.
- Students and their families have the primary responsibility for acceptable student dress and appearance. However, teacher and school district personnel should exemplify and reinforce acceptable student attire and help students develop an understanding of appropriate appearance in the school setting. The school administration will make the final decision regarding inappropriate student dress.
- A student's dress, grooming and appearance shall be safe, appropriate and not disrupt or interfere with the educational process.
- Clothing shall be of a respectable type and coverage. Recognize that extremely brief garments that reveal or expose private parts or midriff/mid-torso, or expose underwear are not appropriate. This guideline and reasonable judgement should be used.
- Shorts, skirts and dresses shall be of respectable type and length. Private parts and midriff must be covered. This guideline and reasonable judgement should be used.
- Pajamas, bedroom slippers, etc. may not be worn except for special occasions such as spirit week.
- Safety is a primary concern; clothing should be clean and proper footwear should be worn at all times. Students should comply with course requirements for proper footwear and clothing for PE, art class, science, technology, etc. Course syllabi should include any specific requirements. Footwear and clothing that is a safety hazard (i.e., spiked heels, cleats) will not be allowed.

- Discriminatory messages on clothing related to ethnicity, ethnic origin, religion, religious practices, weight, ancestry, national origin, gender (including gender identity and expression), sexual orientation or disability are not permitted. Clothing that shows written or printed matter that is profane, sexually suggestive, or advocates alcohol, tobacco or illegal drug use may not be worn. Also, students may not wear clothing that encourages illegal or violent activities. Clothing should not depict guns or other weapons.

VI. Acceptable and Unacceptable Student Conduct/Language

While on school property and at school functions, students **should**:

- Conduct themselves with respect toward self, fellow students and teachers. This includes conducting themselves in a manner that fosters an environment that is free from bullying, cyber bullying, harassment, discrimination and/or retaliation as defined in this Code, and to report and encourage others to report any incidents of bullying, cyber bullying, harassment, discrimination and/or retaliation.
- Maintain as high a scholastic average as possible.
- Follow the directions of school district personnel at all times.
- Fulfill all academic and behavioral obligations.
- Show respect for school property and for the property of others.
- Demonstrate good sportsmanship at all times and in all school activities.
- Dress in a clean, presentable manner, in accordance with guidelines specified by the administration in the Code of Conduct, regarding appropriate school dress.

While on school property and at school functions, students should **not**:

- Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
 - Running in hallways.
 - Making unreasonable noise.
 - Using language or gestures that are profane, lewd, vulgar, slanderous or denigrate others on account of race, color, religion, religious practices, creed, national origin, ethnic origin, ethnic group, weight, age, disability, gender (including gender identity and expression), or sexual orientation.
 - Obstructing vehicular or pedestrian traffic.
 - Engaging in any willful act that disrupts the normal operation of the school community.
 - Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without the permission from the administrator in charge of the building.
 - Computer/electronic/cell phone misuse, including but not limited to, any unauthorized use of computers, software, or internet/intranet account: accessing inappropriate websites: or any other violation of the District's Acceptable Use Policy.

- Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
 - Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - Lateness, missing or leaving school without permission.
 - Skipping detention.

- Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
 - Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.

- Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
 - Committing an act of violence (such as hitting, kicking, punching and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 - Committing an act of violence (such as hitting, kicking, punching and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 - Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

- Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
 - Lying, deceiving or giving false information to school personnel.
 - Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
 - Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by defaming them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.)
 - Discrimination, as defined above, which includes the use of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (including gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth and gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms) or other status protected by local, state, or federal law as a basis for treating another in a negative manner.
 - Harassment, as defined above, which includes a communication (verbal, written, electronic or graphic) and/or physical conduct based on an individual’s actual or perceived race, color, religion, national origin, political affiliation, sexual orientation, sex, weight, age, marital or veteran status, disability or any other status protected by local, state, or federal law.
 - Bullying, hazing and intimidation, as defined above, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, “play” fighting, extortion of money, overt teasing, etc.

- Cyber bullying, as defined above, including, but not limited to, the use of instant messaging, e-mail, Web sites, chat rooms, and text messaging, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
 - Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct (such as inappropriate touching) or communication of a sexual nature.
 - Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
 - Hazing, as defined above, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
 - Selling, using, possessing or distributing obscene material.
 - Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products (including look-a-like tobacco products such as smokeless or “vapor” cigarettes) or illegal substances, or being under the influence of any of these. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, herbal/chemical products designed to mimic the effects of marijuana (also known as synthetic cannabinoids, including but not limited to such brand names as "K2", "Spice", etc.), drug paraphernalia and any substances commonly referred to as “designer drugs.”
 - Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
 - Possessing, consuming, selling, attempting to sell, distributing, or exchanging “look-alike drugs”; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
 - Gambling and gaming.
 - Initiating or reporting warning of fire, bomb threat, or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
 - Violating gender privacy when using school restroom facilities.
 - Indecent exposure, that is, exposure to sight of the private parts of the body or other lewd or indecent behavior.
 - Failure to report, when you have knowledge of, an intended false bomb threat.
 - Retaliation, as defined above.
- Engage in misconduct while on a school bus, school operated vehicle or private vehicle being utilized for the transport of students. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. This includes but is not limited to excessive noise, pushing, shoving, fighting, bullying, cyber bullying, harassment, discrimination and/or retaliation as defined in this Code.

- Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
 - Plagiarism
 - Cheating
 - Copying or otherwise transmitting answers to or for other students.
 - Altering records.
 - Assisting another student in any of the above actions.

VII. Reporting Violations

A. General Reporting Expectations

All students are expected to promptly report violations of this Code, and to immediately report any individual possessing a weapon, alcohol or illegal substance on school property or at a school function, to a teacher, school counselor, the building principal or other District staff. To the extent possible, the reporting student's identity will be kept confidential.

All District staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members that are not authorized to impose disciplinary sanctions are expected to promptly report violations of this Code to their supervisor, who will, in turn, either impose an appropriate disciplinary sanction (if warranted) or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if it is possible to do so in a safe manner, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted. Notification of law enforcement officials is also a probable consequence.

The building principal or his or her designee may notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification may be made by telephone, followed by a letter. This notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

B. Reporting Discrimination, Harassment and Retaliation (including Bullying, Cyber-bullying, Hazing, Intimidation, etc.)

The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and retaliation; and will promptly take appropriate action to protect individuals from such further conduct. All sexual harassment and gender discrimination complaints will be forwarded to one of the District's Dignity Act Coordinators, who will carry out the investigation and coordinate compliance with DASA regulations as applicable to the complaint.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. To effectively enforce this policy and to take prompt corrective measures, it is essential that all persons with knowledge of harassment/bullying report such behavior to an administrator including but not limited to a principal, superintendent, or the Dignity Act Coordinator (as defined below) within one school day after the incident is reported or witnessed so that it may be effectively investigated and resolved. A written report of the incident by the school employee reporting same has to be completed within two school days. All complaints and written reports of alleged harassing, bullying and/or retaliatory conduct shall be forwarded to the school building's Dignity Act Coordinator for monitoring.

All complaints of alleged discriminating, harassing, and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of District policy;
- ii. forwarded to the school building's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

The District's designated Dignity Act Coordinators are:

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Nicole Green	Jr./Sr. High	ngreen2@naplescsd.org 585-374-7927
Kristina Saucke	Elementary	ksaucke@naplescsd.org 585-374-7951

VIII. Disciplinary Interventions or Consequences, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties may consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

All school rules and disciplinary procedures are applicable to misconduct on school property, at school functions and outside of the school setting if the misconduct adversely affects the educative process and/or endangers the health, safety or morals of students.

This Code is instituted to address major areas of student conduct and is not intended to address all possible variations and degrees of behavior problems. Disciplinary infractions are categorized into three broad categories. Within each category, a sample group of infractions is listed. Any behavior, which is illegal, or otherwise damaging to the educational environment is prohibited, even though it may not be specifically mentioned. In such situations, the rights of the student, the school and the community will be considered prior to any disciplinary action.

Level I - A student misbehavior (of a more minor nature) that detracts from the teaching and learning process or the orderly operation of the school.

Unacceptable Behavior:

- Classroom disruption
- School/class tardiness
- Lack of materials/preparation
- Rude/discourteous behavior/acts
- Bus disturbance
- Cafeteria disruption
- Horseplay
- Inappropriate attire
- Loitering
- Parking violation
- Public displays of affection
- Refusing a supervisor's reasonable directive
- Unacceptable language

Level II - These behaviors are of a more serious nature and/or repeated Level I misconduct:

Unacceptable Behavior:

- Abusive language
- Cheating
- School/class truancy
- Dangerous conduct
- Detention truancy
- Disruptive/uncooperative classroom behavior
- Harassment/retaliation/bullying/cyber bullying
- Insubordination
- Invalid note/authorization

- Leaving school grounds
- Inappropriate language
- Theft
- Trespassing
- Unsafe driving
- Use of prohibited articles
- Vandalism
- Acceptable Use Policy Violations

Level III - These behaviors are considered to be the most serious of school-related misconduct. Not only do these actions detract from the teaching and learning process, but seriously endanger the health, safety and welfare of others. Outright repeated insubordination will also be placed in this category and/or continuation of Level I or Level II misconduct.

Unacceptable Behavior:

- Assault of student/staff
- Obscene language or gesture directed at a staff member
- Possession of weapon
- Stealing
- Threats/menacing
- Vandalism
- Other violations of law
- Harassment/retaliation/bullying/cyber bullying
- Violent Behavior

Students who are found to have violated the District's Code may be subject to the following consequences either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with District policy and the law. The listed sanctions are advisory and, as a general rule, discipline will be progressive. However, District personnel may impose any level of discipline, even for the first violation, that is proportionate to the misconduct at issue. Administration may adjust the consequence based on the infraction and or frequency.

1. **Oral warning** – any employee of the District staff
2. **Written warning** – any employee of the District staff
3. **Written notification to parent** –athletic director, coaches, School counselors, teachers, teacher assistants, principal, superintendent
4. **Detention (During School Generally less than 45 minutes)** - Building or District Administrator or Designee
5. **Detention (Afterschool)** – teachers, teacher assistants, building principal, or Designee
6. **Suspension from transportation** – Building or District Administrator
7. **Removal from classroom** - Teacher
8. **Suspension from athletic participation** – coaches, athletic director, principal, superintendent
9. **Suspension from social or extracurricular activities** – athletic director, principal, superintendent
10. **Suspension of other privileges** – principal, superintendent
11. **In-school suspension** – principal or superintendent

12. **Temporary removal from classroom** by teacher, principal, or principal's designee.
13. **Short-term (five days or less) suspension from school** – principal, superintendent, Board of Education.
14. **Long-term (more than five days) suspension from school** – superintendent, Board of Education
15. **Permanent suspension from school** – superintendent, Board of Education.

In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents may be entitled to additional rights before the consequence is imposed. When any suspensions occur and the school is closed on the suspension dates, then the suspension(s) will carry over to the next attendance day. These additional rights are explained below.

1. Detention During Ninth Period

Teachers, principals, and the superintendent may use school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After-school Detention will be imposed as a consequence only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the District will make appropriate alternative arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing before the Superintendent (pursuant to Education Law §3214). However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the discipline to discuss the conduct and the consequence involved.

3. Suspension from Athletic Participation, Extracurricular Activities/Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing before the Superintendent (pursuant to Education Law §3214). However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference as outlined in the Extracurricular and Athletic Code of Conduct.

4. In-school Suspension

The Board recognizes that school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a full hearing before the Superintendent (pursuant to Education Law §3214). However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student’s behavior can affect a teacher’s ability to teach and can interfere with the rights of other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “cooling off period” in an elementary classroom or in an administrator’s office; (2) sending a student to the principal’s office for the remainder of the class time only; or (3) sending a student to a school counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student is grossly insubordinate or disrespectful, demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must document the removal and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the documentation. If the principal is not available by the end of the same school day, the teacher must leave the documentation with the secretary and meet with the principal prior to the beginning of classes on the next school day.

By the end of the day of the student's removal, the teacher and the principal must notify the student's parents, via telephone or email, that the student has been removed from class and why. The principal will verify the teacher notification by calling the parent and reminding them of the opportunity for an informal hearing at school with all parties involved. This will be followed by a written notice, sent within 24 hours, to inform parents of their right, upon request, to meet informally with the principal to discuss the reasons for the removal. The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or the acting principal may overturn the removal of the student from class if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be provided continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a file of all disciplinary forms filed for all cases of removal of students from his or her class. The principal must also keep a file of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

The principal may, in his/her discretion, designate a School District administrator to carry out his/her functions for student removal.

6. Out-of-School Suspension

Suspension from school is a penalty which may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. Students suspended from school are prohibited from being on School District property and from attending or participating in any school function on or off School District property. The consequence in terms of suspension is subject to the Superintendent's review for extenuating circumstances. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the principals.

All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) Suspension from School

When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing, that the student may be suspended from school; the written notice shall be delivered in a manner reasonably calculated to assure receipt within 24 hours of the decision to propose suspension. Notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the suspending authority, where the parents, upon request, shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority may establish. The notice and opportunity for informal conference shall be provided prior to the suspension unless the student's continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption. Where the student's continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption, the student may be immediately suspended and the notice and informal conference shall be afforded as soon as reasonably practicable. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

If the informal conference is requested, it will be scheduled at the earliest convenience of the school official.

After the conference, the suspending authority shall promptly advise the parents in writing of his or her decision. The suspending authority shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances 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 are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) Suspension from School

When the Superintendent, or his/her designee, determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. When the Board of Education determines to conduct the fair hearing itself, it must provide the required notice of hearing.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 calendar days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances including, but not limited to, where a student's conduct demonstrates a reckless disregard for the health, safety and welfare of others and/or 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.

7. Minimum Periods of Suspension

a. Students who bring a weapon to school (Gun Free School Act of 1994)

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

1. The student's age
2. The student's grade in school
3. The student's prior disciplinary record
4. The Superintendent's belief that other forms of discipline may be more effective
5. Input from parents, teachers and/or others
6. Other extenuating circumstances

The Superintendent is required to refer students over the age of sixteen or any student fourteen or fifteen years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student fourteen or fifteen years old who possesses a firearm, machine gun, or loaded firearm (as identified under the New York State Penal Law section 220.14 (14)) qualifies for juvenile offender status under the New York State Criminal Procedure Law.

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

b. Students Who Commit Violent Acts other than Bringing a Weapon to School

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

c. Students Who are Repeatedly Substantially Disruptive of the Educational Process or Who Repeatedly Substantially Interfere with Teacher Authority over Classroom

Any student, other than a student with a disability, who engages in conduct that results in the student being removed from the classroom by teacher (s) on four or more occasions during a semester, will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

8. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by 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.
- c. Knowingly and unlawfully possesses marijuana or other illegal drugs in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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.

IX. Remedial Responses to Violations of Code of Conduct

Students who violate this Code may also be subject to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- a. corrective instruction or other relevant learning or service experience;
- b. supportive intervention;
- c. behavioral assessment or evaluation;
- d. behavioral management plans, with benchmarks that are closely monitored; and/or
- e. student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a. adoption of research-based prevention programs;
- b. modification of schedules;
- c. adjustment in hallway traffic and other student routes of travel;
- d. targeted use of monitors;
- e. staff professional development;
- f. parent conferences;
- g. involvement of parent-teacher organizations

X. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

XI. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities receive certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A “**suspension**” means a suspension pursuant to Education Law § 3214.

A “**removal**” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES).

An “**IAES**” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the District (BOCES) Superintendent of schools, Superintendent or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if (i) the student carries or possesses a weapon to or at school, school premises or a school function; (ii) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or (iii) the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
- 1) “**Weapon**” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) 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...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”
- 2) “**Controlled substance**” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- 3) **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 4) **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- 5) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if the hearing officer determines that the school district has demonstrated by substantial evidence that maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The District’s Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action within 10 school days of the date a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) the parent of the student has refused services; or
 - 3) the parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner's Regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 total days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
 - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

- c. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - d. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall provide copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported, to the extent consistent with the Federal Educational Rights and Privacy Act.

XII. Standards and Procedures to Assure Security and Safety of Students and School Personnel

The Board of Education has adopted District-wide and building-level school safety plans designed to assure security and safety of students and school personnel. These plans include:

- Policies and procedures for the safe evacuation of students, teachers, other school personnel, and visitors to the school in the event of a serious violent incident or other emergency that may occur before, during, or after school hours, which shall include evacuation routes and shelter sites and procedures for addressing medical needs, transportation, and emergency notification to persons in parental relation to a student;
- Designation of an emergency District Safety Team, Jr./Sr. High School Safety Team, and Elementary Safety Team.
- Procedures for assuring that crisis response fire and law enforcement officials have access to floor plans, blueprint, schematics, or other maps of the school interior, school grounds, and road maps of the immediate surrounding area;
- Establishment of internal and external communication systems in emergencies;

- Definition of the chain of command in a manner consistent with national interagency incident management system (NIMS) /incident command system (ICS);
- Coordination of the school safety plan with the state-wide plan for disaster mental health services to assure that the school has access to federal, state, and local mental health resources in the event of a violent incident;
- Procedures for annual review and the conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness of officials; and,
- Policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

XIII. Acceptable and Unacceptable Conduct, Dress and Language on School Property for Staff and Visitors

A. Appropriate Attire for Employees

In the interest of maintaining a professional atmosphere and in serving as a role model for students; district employees will dress in an appropriate, professional manner, which sets a good example to the school community. Some examples of professional attire may include dress pants, khaki style slacks, collared shirts, or sweaters for men; skirts, slacks, blouses, or sweaters for women. More casual attire is appropriate for some school related activities such as field trips, school spirit days, or special days such as Friday charity days.

B. Language Deemed Appropriate For Employees

1. The Naples Central School Community believes that staff will demonstrate the use of appropriate and acceptable language at all times toward fellow staff, parents, visitors, and students. Appropriate language includes words that are courteous, non-offensive, non-confrontational, and without malice.
2. The School Board adopts the following language as unacceptable and inappropriate:
 - a. Verbal harassment on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (including gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth and gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms).
 - b. Profane or obscene words.
 - c. Verbal assault (the use of demeaning, derogatory, offensive, threatening, or abusive language)

C. Violations of School Code for Employees

The appropriate supervisor-in-charge will assess any violation of the Code for staff in accordance to collective bargaining unit agreements and applicable set forth policy. All incidents that violate criminal or civil law will result in the referral to the proper law enforcement agencies. Periodic in-service programs and compliance with the Code will be developed and presented by the District to the staff.

D. Visitors' Responsibilities Unacceptable and Inappropriate Behavior

Unacceptable and inappropriate behavior is defined as anyone on school property using equipment or participating in school sponsored activities that is not acting in a responsible manner, or is in any violation of the law. The Board adopts the following as examples of prohibited conduct including but not limited to:

1. Willful physical injury of any person, or the threat to use force that would result in such injury
2. Discrimination, harassment or retaliation against any person
3. Sexual harassment
4. Willful damage to, destruction of, or theft of property
5. Conduct that is disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof by:
 - a. Fighting or engaging in violent behavior;
 - b. Making unreasonable noise;
 - c. Using abusive or obscene language or gestures;
 - d. Disturbing any lawful assembly or meeting of persons;
 - e. Obstructing vehicular or pedestrian traffic; or
 - f. Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
6. Entry of any school building or any portion of the school premises unless such entry is made in connection with official business with the District or to attend an authorized activity or function
7. Remaining in or on District property after being ordered to leave.
8. Willful interference with the lawful and authorized activities of others.
9. Possession, consumption, sale, or exchange of alcoholic beverages, unauthorized drugs, drug paraphernalia, narcotics or herbal/chemical products designed to mimic the effects of marijuana (also known as synthetic cannabinoids, including but not limited to such brand names as "K2", "Spice", etc..).
10. Possession or use of a weapon, or use of any object that reasonably can be considered a weapon, or possession of a bomb or fireworks, etc. on property of the School District.
11. Violation of any federal or state statute, local ordinance, or Board policy.
12. Insubordination, i.e., failing to comply with the reasonable directions of a teacher, school administrator or other school employees.
13. Distribution, transfer, or sale of any item in or on the property of the District in such a way that is disruptive to the educational process.
14. Violation of rules and regulations when using school transportation. Any form of school transportation is considered school property, and anyone using it must adhere to District rules and regulations.
15. Unauthorized use of school transportation is forbidden. Anyone using school transportation must be engaged in an authorized school function.
16. Use of buses to which they are not assigned without following the procedure established for their school building.
17. The use of cigarettes or any other tobacco products (except as examples in curriculum based instruction) or herbal/chemical products or electronic devices designed to mimic the effects of tobacco products including but not limited to electronic cigarettes.
18. Inappropriate public displays of affection.

E. Acceptable Appropriate Attire for Visitors

Acceptable and appropriate attire may be defined as clothing or accessories that are suitable and not distracting to the educational environment or school sponsored events. Any outfit that is deemed to be unfit for school or school sponsored events may result in the visitor being asked to change, cover up or leave the premises.

Unacceptable and inappropriate attire may include the following:

1. Clothing that may be construed as disruptive or distracting (such as midriffs, see-through garments, short shorts).
2. Clothing or accessories that may include offensive images or slogans of sex, drugs, violence, or discrimination on the basis of race, color, religion, religious practices, creed, national origin, ethnic origin, ethnic group, weight, disability, gender (including gender identity and expression), or sexual orientation.
3. Clothing or accessories that may be considered gang related.

F. Language Deemed Appropriate and Acceptable for Visitors

The Naples Central School Community believes that visitors will demonstrate respectful behavior by using appropriate and acceptable language toward teachers, administrators, and staff. Appropriate language includes words that are courteous, non-offensive and without malice.

The School Board adopts the following language as unacceptable and inappropriate:

1. Verbal harassment on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (including gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth and gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms).
2. Profane or obscene words.
3. Verbal assault (the use of demeaning, derogatory, offensive, threatening or abusive language) towards staff or students.
4. Excessive arguing with a teacher, administrator or staff.

G. Reporting of Incidents

If a violation in the school visitors' Code does occur, the following procedure is followed:

1. Notification to administrator in charge in a timely manner.
2. Administrator assesses situation and then:
 - a. Will deal with situation internally
 - b. Will inform police in violations that constitute a crime.

XIV. Dissemination of Code of Conduct

The Board will work to assure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students
2. A summary of the Code of Conduct will be made available annually to all parents of District students and will also be available later upon request.
3. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of conduct when they are first hired.
5. Making copies of the Code available for review by students, parents and other community members.

The District will provide in-service education programs for all District staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code: (1) School-oriented programs developed at the district and building level; (2) Superintendent's workshop days; and (3) faculty meetings.

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

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

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.