

**FALCONER CENTRAL SCHOOL DISTRICT  
DISTRICT CODE OF CONDUCT IN ACCORDANCE WITH THE DIGNITY FOR ALL STUDENTS  
ACT**

**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 ensure that discipline when necessary is administered promptly, consistently and fairly. To this end, the board adopts this code of conduct (“code”).

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

**II. DEFINITIONS**

In accordance with the Dignity for All Students Act, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section 11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Gender** means actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11[6]).

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; 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; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

This includes harassment, bullying and/or discrimination (including cyberbullying through electronic communications) that happens “ Off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property” [8 NYCRR Section 100.2(2)(1)(2)(ii)(b)(3)(iii)]. Such conduct includes both verbal and non-verbal actions.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

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

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

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

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

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

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### Student's right:

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.

#### Student's responsibility:

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.

- To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, weight, national origin, ethnic group, political affiliation, age, marital status, or disability.
- 7) → To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 8) → To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.
- 9) → To respect one another and treat others fairly in accordance with the District Code of Conduct. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

#### **IV. ESSENTIAL PARTNERS**

##### **Expectations for Parents**

- 1) Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
- 2) Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
- 3) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- 4) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 5) Know school rules and help their children understand them.
- 6) Convey to their children a supportive attitude towards education and the District.
- 7) Build good relationships with teachers, other parents and their children's friends.
- 8) Help their children deal effectively with peer pressure.
- 9) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 10) Provide a place for study and ensure homework assignments are completed
- 11) Teach their children respect and dignity for themselves and other students, which will strengthen the child's confidence and promote learning.

##### **Expectations for Teachers**

- 1) Maintain a climate of mutual respect and dignity for all students which will strengthen students' self-image and promote confidence to learn.
- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching and concern for student achievement.
- 4) Know school policies and rules, and enforce them in a fair and consistent manner.
- 5) Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
- 6) Communicate regularly with students, parents and other teachers concerning growth and achievement.
- 7) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

##### **Expectations for School Counselors**

- 1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2) Initiate and appropriately document teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- 3) Regularly review with the students their educational progress, career plans and graduation requirements.
- 4) Provide information to assist students with career planning.
- 5) Encourage students to benefit from the curriculum and extracurricular programs.
- 6) Maintain and encourage a climate of mutual respect and dignity for all which will strengthen students' self-image and promote confidence to learn.

- 7) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### **Expectations for Other School Staff**

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
- 3) Assist in promoting a safe, orderly and stimulating school environment.
- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Maintain and encourage a climate of mutual respect and dignity for all students which will strengthen students' self-image and promote confidence to learn.
- 6) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### **Expectations for Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
5. Maintain and encourage a climate of mutual respect and dignity for all students which will strengthen students' self-image and promote confidence to learn.
6. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

#### **Expectations for the Superintendent**

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the School Board about educational trends, including student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

#### **Board of Education**

1. Collaborate with students, teachers, administrators 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 visitors on school property and at school functions.
2. Approve 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.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

### **V. STUDENT DRESS CODE**

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

We are concerned about the personal appearance of our students. We strive to be the best and expect our students to look and act the part. We do not intend to dictate the type of clothes to be worn to school, but occasionally find it necessary to say what shall not be permitted. We expect our students to wear normal school clothes in a normal manner. Any mode of dress or personal appearance, which is disruptive, distracting and/or

disturbing to the progress of the educational program or activity, will not be permitted. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall but not limited to:

1. Be safe, appropriate and not **disrupt** or **interfere** with the educational process.
2. Blouses, shirts (2 inch straps are permitted) and sweaters are to cover shoulders, back, chest, and stomach. Apparel above the waist such as halter-tops and spaghetti straps are not permitted. Recognize that extremely brief garments such as tank tops, tube tops, bare midriffs, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), and see-through garments, etc. are not permitted.
3. Shorts and/or skirts that are shorter than the student's fingertips when arms are extended straight at the side are prohibited.
4. Ensure that underwear is completely covered with outer clothing.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of headgear, hoods, hats or bandana type headbands except for a medical or religious purpose while school is in session.
7. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
9. Bracelets, necklaces with "spikes", chains of any type and/or other jewelry or clothing that could cause bodily harm are prohibited.
10. Nightwear and slippers are not to be worn as "regular" clothing.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Special announced dress down days may occur throughout the year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

**A. Engage in conduct that is disorderly.** Examples of disorderly conduct include but not limited to:

1. Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others
  2. Obstructing vehicular or pedestrian traffic
  3. Engaging in any willful act, which disrupts the normal operation of the school community
  4. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building
  5. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate web sites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy
  6. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, and other personal electronic devices deemed inappropriate by the administration)
  7. Creating a hazardous or physically offensive condition by any act, which serves no legitimate purpose
  8. Unauthorized use of personal computer, laptop and/or other computerized information resources through the Falconer Central School District computer system is prohibited
- B. Engage in conduct that is insubordinate.** Examples of insubordinate conduct include but not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
  2. Lateness for, missing or leaving school without permission
  3. Skipping detention
  4. An excuse of an absence must be given by a parent/guardian within 2 days or detention will be assigned to the student. After 5 days, the student will be considered truant
- C. Engage in conduct that is disruptive.** Examples of disruptive conduct include but not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
  2. Disruption of class
  3. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.
- D. Engage in conduct that is violent.** Examples of violent conduct include but not limited to:
1. 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
  2. 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
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function
  4. Displaying what appears to be a weapon
  5. Using weapon(s)
  6. Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson
  7. Communication by any means, including oral, written or electronic (such as through the Internet or e-mail) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment
  8. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others.** Examples of such conduct include but not limited to:
1. Lying, deceiving or giving false information to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function
  3. 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 demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, Facebook, etc.)

4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, weight, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function
5. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex
6. Bullying and intimidation, which includes engaging in actions or statements carried out repeatedly over time, that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, e-mail, Web sites, chat rooms, social networking sites and text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees
8. Sexual harassment, which includes unwelcomed sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior
10. Possessing, or smoking a cigarette or an E-cigarette, cigar, pipe or using chewing or smokeless tobacco Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabis, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs"
11. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs
12. 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.
13. Gambling and gaming
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
15. Inappropriate public display of affection
16. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher
17. Violating gender privacy when using school restroom facilities

**F. Engage in misconduct while on a school bus.**

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. Excessive noise, pushing, shoving and fighting, harassment and discrimination will not be tolerated.

Be courteous – no profane language

No smoking, eating, or drinking on the bus

Keep the bus clean and neat

Cooperate with the bus driver

Stay in your seat- bus driver may assign seats

Do not stick anything outside the bus

If you damage it - you will pay to repair it

Be at the bus stop 5 minutes before the scheduled pickup time  
You must remain on school grounds after you get off the bus at school

**G. Engage in any form of academic misconduct.** Examples of academic misconduct include but not limited to:

1. Plagiarism – 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.
2. Cheating
3. Copying
4. Altering records
5. Assisting another student in any of the above actions.

**VII. SUBSTANCE ABUSE**

The Falconer Central School Board of Education has a Substance Abuse Policy (#7320). The following information outlines general responsibilities and procedures the school follows.

A student shall not possess, use, transmit, sell, conceal, or be under the influence of marijuana, narcotic drugs, hallucinogens, stimulants, alcoholic beverages, intoxicants, steroids, or any counterfeit substance made to look like a drug of any kind at school, on school grounds, or at any school function.

Any student suspected of violating this policy will be subject to a review of the situation. If a violation of this policy occurs, these procedures will be followed:

Appropriate authorities shall NOTIFY THE PARENTS, and REFER STUDENT TO POLICE or JUVENILE AUTHORITIES in all cases of violation involving POSSESSION, USE, CONCEALMENT or UNDER THE INFLUENCE.

The student shall receive proper disciplinary action according to the Falconer Central Code of Conduct. Every effort will be made by the Referral Team to contact parents/guardians as soon as possible after suspension is enacted. Parents/Guardians will be given a handout at the time of suspension outlining follow-up procedures.

The student shall be referred to the school Referral Team, which will consist of the building nurse, guidance counselor, and other school personnel, for a recommendation for further action, if necessary. A decision will be made within 3 school days after disciplinary action is completed.

In all cases, REPEATED VIOLATION BY ANY INDIVIDUAL STUDENT INVOLVING POSSESSION, USE, CONCEALMENT, OR BEING UNDER THE INFLUENCE, THE PARENTS SHALL BE NOTIFIED IMMEDIATELY, AND THE STUDENT WILL BE REFERRED TO THE POLICE OR JUVENILE AUTHORITIES.

**VIII. SMOKING ON SCHOOL PREMISES**

Board policy #5640 provides for a smoke-free campus.

In compliance with the Pro-Children Act of 1994, and in an effort to promote good health, the Falconer Central School Campus shall be “SMOKE FREE”. Under this policy, smoking ANYWHERE on school property is strictly prohibited. This includes ALL athletic fields, buildings and grounds.

Persons, other than students, found smoking on school property will be considered in violation of the rules and regulations for maintenance of public order on premises in buildings of the Falconer Central School District.

**IX. DISCIPLINARY PENALTIES, PROCEDURE 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 will 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 may 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. 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.

### **A. Penalties**

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

1. Oral warning – any member of the district staff
2. Written warning – any member of the district staff
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – principal, superintendent
6. Suspension from athletic participation – A.D., coaches, principal, superintendent
7. Suspension from social or extracurricular activities – principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal
11. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
12. Long-term (more than five days) suspension from school – superintendent, Board of Education
13. Permanent suspension from school – superintendent, Board of Education

### **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty 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 penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **1. Detention**

- Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

#### **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 building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent

or their designees. 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 arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

### **3. Suspension from athletic participation, extra-curricular activities and other privileges**

- A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

### **4. In-school suspension**

- The Board recognizes the 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 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 make it difficult for 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 "time out" in another classroom; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; (4) sending a student to a guidance counselor or other district staff member for counseling.
- Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of the code. On occasion, a student's behavior may become disruptive. For purposes of the code of conduct, 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 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. The student will be given an opportunity to explain his or her version of the relevant events before the student is removed and only after the informal discussion may a teacher remove a student from class. 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 or the next school day. The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee 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 removal forms. If the principal or designee is not available by the end of the same

school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

- Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail, or some other means to the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- 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 or the principal's designee 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 or the second school day following 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 principal's designee 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, including the district's code of conduct.
  3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- The principal or his or her designee 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 offered continued educational programming and activities until he or she is permitted to return to the classroom.
- Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log 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.

## **6. Suspension from school**

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

- 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 principal. The parents shall in the dominant language or mode of communication use both the notice and informal conference. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.
- The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five 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 superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**b. Long-term (more than 5 days) suspension from school**

- When the superintendent or building principal 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.
- 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 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board 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 such as where a student's conduct poses a life-threatening danger to the safety and well being of other students, school personnel or any other person lawfully on school property or attending a school function.

**C. Minimum Periods of Suspension**

**1. Students who bring a weapon to school**

- Any student, other than a student with a disability, found guilty of bringing a weapon onto school property would be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The

superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

## **2. Students who commit violent acts other than bringing a weapon to school**

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

## **3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom**

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

## **D. Referrals**

1. 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 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.

## **X. 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 enjoy 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.

The 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.

## **XI. DANGEROUS WEAPONS IN SCHOOL**

No student shall bring or possess any “firearm” as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings, and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term “firearm” includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any “destructive device” (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle that the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free School Act of 1994, a student found guilty of bringing a firearm, as defined in federal law, onto school property after a hearing has been provided pursuant to section 3214 of the Education law will be subject to at least a one-year suspension from school.\* However, after this penalty has been determined, the Superintendent of Schools will review the penalty and may modify such suspension on a case-by-case basis. If the superintendent believes a one-year suspension penalty to be excessive, he/she may modify the penalty based on criteria including but not limited to:

The age of the student;  
The student's grade in school;  
The student's prior disciplinary record;  
The superintendent's belief that other forms of discipline may be more effective;  
Input from parents, teachers and/or others; and  
Other extenuating circumstances.

New York State Peace Officers and Police Officers are the only people permitted on school property to have a weapon in their possession.

*\*Federal law requires at least a one-year suspension from school for any student who is found to have brought a firearm to school, however, the law permits and the Association strongly recommends that the Superintendent of Schools review each such case to determine if the penalty should be modified. This determination must be made on a case-by-case basis.*

*Adopted by the Board of Education on August 7, 2012*

## **XII. DISSEMINATION AND REVIEW**

### **Dissemination of Code of Conduct**

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

- 1) Providing a public hearing prior to Board approval.
- 2) Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- 3) Making copies of the Code available to all parents at the beginning of the school year.

- 4) Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
- 5) 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.
- 6) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 7) Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. 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 Board of Education, via a committee of representative stakeholders, 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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

BOE Approved:	9/15/15
BOE Reviewed:	7/5/16
BOE Reviewed:	7/5/17
BOE Reviewed:	7/3/18
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