CODE OF CONDUCT

Salmon River Central School District

2016-2017

TABLE OF CONTENTS

I. INTRODUCTION 3

II. ESSENTIAL PARTNERS 3

III. DEFINITIONS 5

IV. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES 7

V. TITLE IX COMPLIANCE NOTIFICATION 8

VI. STUDENT DRESS CODE 8

VII. CELL PHONES AND OTHER ELECTRONIC DEVICES 9

VIII. PROHIBITED STUDENT CONDUCT 10

IX. DIGNITY FOR ALL STUDENTS ACT 12

X. REPORTING VIOLATIONS 21

XI. DISCIPLINARY PENALTIES 22

XII. ALTERNATIVE INSTRUCTION 29

XIII. DISCIPLINE OF STUDENTS WITH DISABILITIES 29

XIV. CORPORAL PUNISHMENT 32

XV. STUDENT SEARCHES AND INTERROGATIONS 32

XVI. VISITORS TO THE SCHOOL 34

XVII. PUBLIC CONDUCT ON SCHOOL PROPERTY 35

XVIII. DISSEMINATION AND REVIEW 36

CONDUCT OF CONDUCT: WHY DO WE NEED ONE?

The District's Code of Conduct is a requirement of Section 100.2 [1] of the Regulations of the Commissioner of Education requires a school district to adopt a written policy on school conduct and discipline "designed to promote responsible student behavior."

I. INTRODUCTION

The Salmon River Central School District believes the most critical step to building a safe, respectful, and productive learning environment is establishing a positive school climate where students and adults have strong, positive relationships and students understand what is expected of them as learners at school. Schools should nurture students by providing them with behavioral supports and meaningful opportunities for improving social and emotional skills, such as recognizing and managing emotions, developing caring and concern for others, making responsible decisions, establishing positive relationships and handling challenging situations in a constructive way. The Salmon River Central School District also believes that order and discipline are essential to an effective public education. Research shows that positive relationships help children learn and that students are more likely to succeed and less likely to act out when they feel connected to others in their school and community.

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. In accordance with the Dignity for all Student Act, Education Law, Article 2, (July 1, 2012) the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District supports the development of intrinsic motivation to manage behavior through self-discipline on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, and dignity. With these expectations in mind, the district continues to support a district-wide philosophy based on teaching responsibility, with the goal of transforming the current consequence-based discipline system to a district climate of cooperation, creativity, and quality work. This climate will aid in the provision of the highest quality education for all students. The NYS Education Dept. reminds us that the Dignity Act supports this approach in that it emphasizes the creation of a positive learning environment for all students. In addition, the Dignity Act requires the development of measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. According to The New York State Dignity for All Students Act, Resource and Promising Practices Guide for School Administrators & Faculty, "The Dignity Act's underlying premise is that preventative and non-punitive intervention, in response to incidents of discrimination and/or harassment, is the best way to achieve school environments free from harassment and discrimination. Schools are encouraged to use a wide range of intervention measures to address discrimination and/or harassment, including restorative practices (section v, page 28-29), conflict resolution, peer mediation, and counseling, that address underlying factors that lead youth to engage in inappropriate behavior, rather than over-relying on exclusionary methods of discipline, such as suspension."

The board recognizes the need to clearly define these expectations for acceptable conduct on school property *(see definition), to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this code applies all students, school personnel, parents, and visitors and/or vendors when on school property or attending a school function * (see definition).

II. ESSENTIAL PARTNERS

A. Expectations for Parents

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community
2. Send their children to school ready to participate and learn as required by New York State Education Law. Ensure their 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 building and classroom rules and help their children understand them.
6. Convey to their children a supportive attitude toward 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. Work with our schools to maintain open and respectful communication.
12. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Expectations for Teachers

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen 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 and reference their building policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
    a. Course objective 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. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator/Dignity Act Coordinator (DAC) in a timely manner.

C. Expectations for Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriately document teacher/student/counselor conference and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator/Dignity Act Coordinator (DAC) in a timely manner.

D. Expectations for Student Support Service Personnel

1. Support educational and academic goals.
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
7. Regularly review with students their educational progress and career plan.

8. Provide information to assist students with career planning.
9. Encourage students to benefit from the curriculum and extra-curricular programs.
10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

E. 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 regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator /(Dignity Act Coordinator (DAC) in a timely manner.

F. 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. Evaluate on a regular basis the effective safety, behavioral, and school management issues related to all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting all actions.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's (Dignity Act Coordinator (DAC) attention in a timely manner

G. Expectations for Superintendent

1. Promote a safe, orderly 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 board about educational trends relating to 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.
6. Address all areas of school-related safety concerns.

H. Expectations for Board of Education

1. 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 visitors on school property and at school functions.
2. Review and adopt 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 (DAC) in each school building. The DAC 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, courteous manner.

III. DEFINITIONS

Language and definitions pertaining to the Dignity for All Students Act has been added to the code of conduct. In accordance with the Dignity for All Students Act, School District policy and practice must ensure that no student is subject to discrimination or bullying and/or harassment (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/gender identity (as defined in Education Law Section 11(6), or sex by school employees or students on school property, on a school bus, or at a school function. Such prohibited actions include those that create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

For purposes of this code, the following definitions apply:

A. **Bullying** means a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful. When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

It can take three forms:
1. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
2. Verbal/Written (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
3. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

B. **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.

C. **Cyberbullying** means a form of bullying that includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

D. **Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical. (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]).

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

F. **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 s11[4] and 1125[3]).

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

H. **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]).

I. **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.

J. **Parent** means parent, guardian or person in parental relation to a student.

K. **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.

L. **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).

M. **School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]), regardless of where such event or activity takes place, including those that take place in another state.

N. **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(Education Law Section 11[1]).

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

P. **Violent student means a student under the age of 21 who:**
   1. Commits an act of violence upon a school employee, or attempts to do so.
   2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempt to do so.
   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.

Q. **Weapon** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine 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 other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

IV. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility

It is the student's right:	→	It is the student's responsibility:
To attend school in the district in which one's parent or legal guardian resides.	→	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 expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	→	To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines. Contribute to maintaining a safe and orderly environment. To work to develop mechanisms to control anger. To accept responsibility for their actions.
To be respected as an individual.	→	To respect one another and others' property, and to treat others in the manner that one would want to be treated. To use language that is appropriate in demonstrating respect for self and others. To react to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
To express one's opinions verbally or in writing. To present their version of the relevant events to school personnel authorized to impose a disciplinary penalty, in disciplinary situations.	→	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 in such a way as to express one's personality.	→	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 afforded equal and appropriate educational opportunities.	→	To be aware of available educational programs in order to use and develop one's capabilities to their maximum. To ask questions when they do not understand.
To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.	→	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.	→	To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate. To conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hole themselves to the highest standards of conduct, demeanor, and sportsmanship.
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.	→	To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. 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.

V. TITLE IX COMPLIANCE NOTIFICATION

This notification is to certify that The Salmon River Central School District does not discriminate on the basis of race, color, religion, creed, national origin, political affiliation, gender, age, marital status, sexual orientation, pregnancy, military status, veteran status, genetic pre-disposition or carrier status, ancestry, disability or any other legally protected status in regard to employment opportunities or educational/vocational programs or activities which it operates.

Anyone who believes he/she has been subjected to prohibited discrimination, harassment or intimidation or who has witnessed anyone engaging in such prohibited activity should immediately contact his or her supervisor (if an employee) and the District's designated Compliance Officer. If, for any or no reason, anyone is hesitant to bring the matter to the attention of his or her supervisor (if an employee) or the District's designated Compliance Officer, a report can be properly made to Dr. Stanley Harper, Salmon River Superintendent of Schools. Inquiries concerning non-discrimination policies and procedures may be referred to the District's designated Compliance Officer. Inquiries concerning the application of Title IX (which prohibits discrimination on the basis of sex) and its implementing regulations, as well as the other nondiscrimination policies, may be referred to the District's Compliance Officer or to the U.S. Department of Education, Office for Civil Rights.

The District's designated Compliance Officer responsible for the above compliances is the Director of Instruction, Salmon River Central School District, 637 County Route 1, Fort Covington, New York 12937, (518) 358-6669. The Director of Instruction will provide information, including complaint procedures, to any student, employee or person who feels that his or her rights have been violated.

VI. STUDENT DRESS CODE

A. Clothing - The standard of dress at SRCS is designed to contribute positively to the learning environment and maintain a high level of personal character and appearance. The main principles governing the dress codes are modesty, courtesy, and avoidance of extremes that some might find distracting or offensive. 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. Attire that interferes with the educational process or impinges upon the rights of others will not be tolerated. The dress code expectations and consequences are clearly stated so that students may be successful in meeting the school's requirement. Teachers and all other district personnel should exemplify and reinforce socially appropriate and acceptable student dress that reflect community values, promote safety, and help students develop an understanding of a socially respectful and appropriate appearance in the school setting. Any questions or concerns regarding the SRCS dress code should be directed to the appropriate building **principal.**

B. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, plunging necklines (front and/or back), see-through garments, off-the shoulder or strapless tops and dresses, short shorts and short skirts are not appropriate. (Inseam of shorts must be more than 4 inches, or measure 10 inches up from the bent knee to the material for both shorts and skirts; fingertip level is a good check for skirts.) No bare midriffs.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include hats or other head garments or gear, including hoods, sunglasses and headphones/earbuds, in the building during school hours except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not include chains, sharp dog collars or bracelets, or anything that could cause injury.
9. Not include outer garments, such as coats, jackets, ponchos, etc. in the classroom. These items will be stored in the student's locker, which shall be locked at all times during the day.

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. 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.

C. **Backpacks, Book Bags, Knapsacks, and Sports Bags**
The Board of Education, in keeping with community standards of decorum, deportment and safety, prohibits students from having backpacks, book bags, or sports bags while in the classroom.

1. Backpacks, book bags, knapsacks and sports bags are to be used by students for carrying books and personal items to and from school only. These bags are to be stored in the student's locker, which shall be locked at all times, during the school day and will not be permitted in the classrooms. However, those students who are in extra-curricular activities may store their bags in a designated place with the approval of the supervisor of the activity, i.e., locker room, band room, etc.

VII. CELL PHONES AND OTHER ELECTRONIC DEVICES

Personal Electronic Devices- Students are prohibited from using or having on or in any operational mode any paging device, mobile telephone, cellular telephone, laser pointer or laser/electronic pen, laptop computers, video games, or any other type of electronic communications or imaging device (i.e., camera) during instructional time, except as permitted by the teacher for classroom instructional purposes. While students are permitted to possess such devices, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers, or school visitors. Students are not permitted to use any form of information technology to intimidate or harass others. This is considered cyber-bullying/cyber-harassment.

If personal electronics rules are violated, the student will be directed by the staff person to either put the phone in a place it can't be used or bring the item to the office to be picked up at the end of the school day. For the 1st offense, the student will receive a warning. After 1 warning has been given to students, a parent will be called, and the item may be held in the office until a parent comes to pick it up. If the student refuses to give the item to the faculty member, a discipline referral for insubordination will result. If a student chooses to bring a personal electronic device to school and it becomes lost, stolen or is damaged, it is the responsibility of the student and family not the school district. All staff is expected to exemplify and reinforce this policy and help students develop an understanding of it in the school setting.

VIII. 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. These expectations also apply to internships and student work experience.
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. The District continues to develop systems whereby conditions are created that allow students to fix their mistakes and return to the learning environment strengthened.

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. When positive behavioral interventions prove unsuccessful, 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. Running in hallways.
   2. Loitering in the hallways.
   3. Using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incites others.
   4. Obstructing vehicular or pedestrian traffic.
   5. Engaging in any willful act which disrupts the normal operation of the school community.
   6. 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.
   7. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
   8. Unauthorized use of cell phones, personal pagers, Ipods, MP3 players, Gameboys, digital cameras or similar communication/gaming devices during school hours, unless specific devices have been approved for specific instructional activities by the teacher and principal prior to use.
   9. Unauthorized use of personal computer, laptop, tablet, or e-reader (such as, but not limited to Kindles, Nooks,etc.) and/or other computerized informational resources through the 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. Missing or leaving school without permission, and/or consistently late to school.
3. Late to class. A student is late to class if they have not crossed the threshold of the doorway to begin the class period on time.
4. Skipping detention.

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. Endangering the health and safety of other students or staff
3. Interfering with classes or district activities by means of inappropriate appearance or behavior as per the Code of Conduct.

D. Engage in conduct that is violent. Examples of violent conduct include, but not limited to:
1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property.
3. 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.
4. 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.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using a weapon(s).
8. Intentionally damaging or destroying district property, the personal property of a student, teacher, administrator, other district employee, vendor, contractor, or any person lawfully on school property, or at a district function including but not limited to, graffiti or arson.
9. 9Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) 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.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying, deceiving or giving false information to school personnel.
2. Stealing district property, the property of other students, school personnel or any other person lawfully on school property or while 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 postings or publishing video, audio recordings or pictures (written material, cell phones, Internet, FaceBook, YouTube, etc.).
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, 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, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
5. Violation of another student's civil rights.
6. 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.
7. Bullying and intimidation, 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.
8. Internet bullying (also known as "cyberbullying") including the use of instant messaging, e-mail, Web sites, chat rooms, and text messaging, or by any other means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees. In accordance with District Policy,

cyberbullying that occurs off-campus, that threatens to cause a material or substantial disruption in the school, may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting. Such conduct could also be subject to referral to local law enforcement authorities.

9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. 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 or communication of a sexual nature.
11. Using vulgar or abusive language, cursing or swearing.
12. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
13. Selling, using or possessing obscene material.
14. Using vulgar or abusive language, cursing or swearing.
15. 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 cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
16. Inappropriately using or sharing prescription and over-the-counter drugs, including dietary supplements, weight loss pills, etc.
17. Gambling and gaming
18. Inappropriate touching and/or indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
19. Initiating a report warning of fire, making a bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
20. Romantic displays of affection are not allowed with the exception of hand holding and brief hugs.
21. Violating gender privacy when using school rest-room 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, fighting, harassment, and discrimination will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to

1. Plagiarism, copying.
2. Cheating
3. Altering records
4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

IX. DIGNITY FOR ALL STUDENTS ACT

The Board of Education is committed to creating and maintaining a learning atmosphere which is respectful and supportive and free from harassment, bullying and/or discrimination. Providing a safe school environment where all students and employees, without exception, are treated with respect and dignity, and are free from bullying, intimidation and harassment is one of our highest priorities.

The purpose of the Salmon River Central School District Dignity for All Students team is to ensure that all students, regardless of gender, national origin, ethnicity, religions, disability, gender including expression or identity, sex, weight, height, ethnic group, religious practices, and sexual orientation, are provided an environment free from discrimination, harassment, bullying and fear, in order to come to school safely and without impediment to learning from these acts.

No student shall be subjected to harassment, bullying and/or discrimination by employees or students on school property or at a school function; nor shall any student be subjected to discrimination and or harassment based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Harassment, Bullying and/or Discrimination is a violation of our District core values and will not be tolerated. The actions of any one person or group of individuals which threaten the health and safety of students and/or staff must be addressed promptly. Early intervention, reinforcement of a consistent message and follow through from students, parents, staff and administration can ensure that everyone's right to learn and work in a safe environment is respected.

The District shall have a Dignity Act Coordinator (DAC) appointed in each school by the Board of Education who shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnicity, religion, religious practice, disability, sexual orientation, gender including identity and expression and sex. The Board shall appoint a DAC to each building within the District who is either employed by the District or a BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/supervisor or Superintendent of schools. The District will share the name(s) and contact information of the DAC with all school personnel, students, and parents/persons in parental relation by listing the information in the Code of Conduct and updates on the District's website; including such information in the plain language summary of the Code of Conduct provided to all persons in parental relationship and parents at the beginning of each school year and by providing this information to parents/persons in parental relation in at least one district or school mailing (which may include through electronic communication) and/or by sending information home with each student. If the information related to the DAC changes, the District shall provide updated notice as soon as practicable thereafter. In addition, the District will post information about the DAC and reporting options in highly visible areas throughout school buildings and will also make such information available at the District and school-level administrative offices.

If a DAC vacates their position, another eligible employee shall immediately be designated for an interim appointment, pending the approval from the Board within thirty (30) days of the date the position was vacated. In the event that a DAC is unable to perform their duties for an extended period of time, another eligible employee shall immediately be designated for an interim appointment, pending the return of the previous DAC to their position.

The Board recognizes that timely reporting is essential to addressing and responding to incidents of harassment, bullying and/or discrimination. To facilitate timely reporting, parents and students are encouraged to make oral or written reports of harassment, bullying and/or discrimination to the Districts' designee (which shall include the DAC in each building and/or the building administrator).

Upon receipt of a report or complaint of harassment, bullying and/or discrimination by staff who are not the District designee, the staff member shall report, within one school day, any such complaints received to the building designee and shall file a written report, within two school days, following an oral report to the building designee.

Upon receipt of a report of an incident of harassment, bullying and/or discrimination, the principal, Superintendent or their designee shall lead or supervise the thorough investigation of all reports and ensure that such investigation is completed promptly after receipt of any written report. If the principal, Superintendent or their designee believes that the alleged conduct may constitute criminal conduct, they shall promptly notify the appropriate law enforcement agency.

In the event that an investigation reveals any verified incidents of harassment, bullying or discrimination, the District shall take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. The District expressly prohibits retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination. In responding to verified incidents of harassment, bullying and/or discrimination, the District shall apply school-wide strategies to prevent harassment, bullying and discrimination.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members will be sensitized, through District-wide professional development, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

The components of such an effort involve the following:

1. Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
2. Gathering information about bullying at school directly from students.
3. Establishing clear school wide and classroom rules about bullying.
4. Training adults in the school to respond sensitively and consistently to bullying.
5. Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
6. Raising parental awareness and involvement in addressing problems.

In order to implement this program, the Superintendent will charge the District Code of Conduct committee with the responsibility of providing oversight to a District-wide effort for bullying prevention. Training and awareness for all District employees will be provided in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students committed by students or school employees on school property, at a school function or occurring off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property. This training shall include ways and strategies to promote a supportive school environment which is free from harassment, bullying and/or discrimination. The training shall raise awareness and sensitivity; address social patterns and their effect on students; inform employees on the identification and mitigation of acts of harassment, bullying and/or discrimination; provide strategies for effectively addressing problems of exclusion, bias and aggression; include safe and supportive school climate concepts in curriculum and classroom management strategies and shall ensure effective implementation of school policy on conduct and discipline. Training of staff shall also raise employee awareness to the effects of harassment, bullying and Cyberbullying and discrimination on students and others.

Instruction to students in grades K-12 shall include a component on civility, citizenship and character education. This instruction shall provide guidance and information to students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which shall enhance the quality of the student's experiences and will contribute to the community. Concepts of dignity, tolerance and respect for others includes awareness and sensitivity to harassment, bullying and/or discrimination as well as the importance of civility in relation to actual or perceived race, weight, national origin, ethnic group, religion or religious practice, disability, sex, sexual orientation and gender (including identity and expression). Instruction to students shall also include instruction on the safe and responsible use of the Internet and electronic communications. All such student instruction shall include an emphasis on discouraging acts of harassment, bullying and/or discrimination.

The principal shall provide, at least annually, a report of data and trends related to harassment, bullying and/or discrimination to the Superintendent.

All students, school District employees, vendors, and visitors (including parents) to District buildings, buses, athletic fields or locations off-school premises involving school-related activities (i.e., field trips) are expected to conduct themselves in a manner consistent with this policy. The Board condemns and strictly prohibits all forms of discrimination, harassment and/or bullying of any student, by employees or students that creates a hostile school environment by conduct or by threats, intimidation or abuse, including cyberbullying, of such a severe nature that either 1)has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would be expected to cause emotional harm; or 2)Reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such prohibited conduct shall include, but is not limited acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law §11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

Retaliation by any school employee or student is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination complaints.

A. Protected Classes, Groups, and Characteristics

Under the Dignity Act, There are currently 11 protected classes, groups or characteristics. The Dignity Act prohibits any discrimination based on actual or perceived characteristics:

1. 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.
2. Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
3. Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".
4. National Origin means a person's country of birth or ancestor's country of birth.
5. 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.
6. 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.
7. 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.
8. Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.
9. Sexual orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual
10. Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)
11. Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

B. Definitions

1. **Bullying** In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment"), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying can be a serious problem for students because it can leave severe mental and physical discomfort to individuals. Bullying not only affects the victims, but it can affect people emotionally who witnesses acts of bullying. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is "unwanted, aggressive behavior among school-aged students that involves a real or perceived power of imbalance. The behavior is repeated, or has the potential to be repeated, over time" (Bullying Hurts, Inside and Out).

   Bullying may occur through a variety of conduct, including but not limited to:

   a. Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, and racist slurs, threatening electronic communications ("cyberbullying"), anonymous notes, etc.
   b. Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, 39 kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
   c. Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.
   d. Cyber Bullying is defined as "harassment or bullying that occurs through any forms of electronic communications."
      The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website: http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

2. **Discrimination** is the act of denying rights, benefits, justice, 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 as defined below).

Discrimination: means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious, disability sexual orientation, gender or sex.

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability.

Pursuant to the Dignity for All Students Act (sec. 10 and 18 of the Education Law) relevant definitions include the following:

3. **Harassment and Bullying** shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. This definition includes acts of harassment or bullying that occur on school property (as defined above); at a school function (as defined above); or 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 the school property. Acts of harassment and bullying include but are not limited to non-verbal and 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]).
4. **Emotional Harm** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe and pervasive as to unreasonably and substantially interfere with a student's education.
5. **Material Incident of Harassment, Bullying and/or Discrimination** means a single verified incident or a series of verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of "harassment and bullying" as defined above, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee. Such conduct shall include, but is not limited to threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in this definition shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sec. 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.
6. **Hazing** is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
7. **Cyberbullying** shall means harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying may include, but is not limited to: the misuse of the following means of communication: email, instant messages, text messages, digital pictures or images, web postings (including blogs), social websites (e.g. MySpace, Facebook, Twitter, etc.), chat rooms, or any other electronic method of communication or forum which may exist or develop. As a result, bullying, cyber-bulling, sexting, hazing, harassment, intimidation, teasing, public humiliation, spreading of falsehoods, menacing behaviors, and any other similar conduct by students, staff, and third parties (while in the school environment) towards other students, staff, or visitors to the school environment are strictly prohibited and shall not be tolerated.
8. Prevention is the cornerstone of the District's effort to address bullying, discrimination, and harassment. The components of such an effort involve the following:
    a. Following the principles and practices of "Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
    b. Creating a dynamic learning environment for all students.
    c. Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.

d. Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
e. Establishing clear school wide and classroom rules about bullying consistent with the District's code of conduct.
f. Providing staff training to promote a positive school environment free from discrimination and harassment.
g. Providing training to raise awareness and sensitivity to potential acts of discrimination and /or harassment and understanding of the Code of Conduct.
h. Providing staff training to enable employees to prevent and respond to incidents.
i. Providing staff training to make school employees aware of the effects of harassment, bullying, Cyberbullying and/or discrimination. Such training shall raise awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
j. Providing training to assist staff in addressing the social patterns of harassment, bullying and/or discrimination, to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting.
k. Ensuring the effective implementation of school policy on conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or school employees.
l. Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
m. Raising parental awareness and involvement in the prevention program and in addressing problems.
n. Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

C. Role of the Dignity Act Coordinator (DAC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and 42 expression), and sex, as the Dignity Act Coordinator (DAC), accountable for implementation of this policy. The DAC will be responsible for coordinating and enforcing this policy and regulation in each school building, with the support of school administration, including but not limited to coordination of:

1. The work of the building-level committees responsible for anti-bullying
2. The complaint process, and
3. Managing the Dignity Act's civility, respect and character education curriculum components.

D. Reporting

School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must verbally notify their principal, the Superintendent or their designee of such complaint no later than one (1) school day from witnessing or receiving the complaint. Further, school employees must file a written report within two (2) school days after verbally reporting such a complaint to the appropriate district staff. The building administrator or their designee shall promptly ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.

Students of the District who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged to make a verbal and/or written report to the district's designee for each building, as identified in the District publications and posted throughout buildings and in the District offices. Intervention by adults and bystanders is an important step to prevent escalation and to resolve issues in the earliest stages. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy and the District's Code of Conduct. In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator will arrange for a prompt investigation following receipt of the report so that it may be effectively investigated and resolved. The District will also make a bullying complaint form available on its website (attached) to facilitate reporting. The District will collect relevant data from written and verbal complaints to allow reporting to the Board and to the Commissioner of Education on an annual basis.

The District will promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct; the applicable collective bargaining agreement, District policy and/or state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

E. Confidentiality

It is District policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. The request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. The District will attempt to prevent any retaliation; and
4. The District will take strong responsive action if retaliation occurs.
5. If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the bullying and preventing the bullying of other students.

F. Investigation and Resolution Procedure

1. Initial (Building-level) Procedure

Whenever a complaint of bullying is received by a staff member, whether verbal or written, it should be reported immediately to the principal or their designee within one (1) school day of receiving or witnessing the incident; within two (3) school days of verbally reporting the incident, the staff member must file a written report with the principal or their designee. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Bullying Prevention Coordinator (DAC) shall make all reasonable efforts to resolve complaints at the school level. The goal of the investigative process is to address incidents of harassment, bullying and/or discrimination promptly and to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three school days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator (DAC) will begin an investigation of the complaint by:

a. Reviewing any written documentation provided by the target(s).
b. Conducting separate interviews of the target (victim(s)), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
c. Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
d. Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
    i. A "permanent" hall pass that allows the student to visit a designated adult at any time;
    ii. Access to private bathroom facilities;
    iii. Access to private locker room facilities;
    iv. An escort during passing periods;

v. A "stay away" agreement;
vi. If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
vii. An opportunity for independent study at home with District-provided tutor until the case is resolved;
viii. Permission to use personal cell phone in the event that the student feels threatened and needs immediate assistance;
ix. Assignment of a bus monitor.
x. Counseling support

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:
a. Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
b. Suggesting counseling, skill building activities and/or sensitivity training;
c. Conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
d. Requesting a letter of apology to the target;
e. Writing letters of caution or reprimand; and/or
f. Separating the parties.
g. Establishing a "stay away" agreement

Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement or state law. School District should make every effort to attempt to first resolve the misconduct through non-punitive and remedial measures.

Disciplinary measures to address incidents of harassment, discrimination and/or bullying shall incorporate a progressive model of student discipline that includes measured, balanced and age appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and considers among other things, the nature and severity of the student's offending behavior(s) the developmental stage of the student, the previous disciplinary record of the student and other extenuating circumstances, as well as the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with other provisions of the code of conduct.

The investigator shall report back to both the target and the accused, within one week, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or district designee believes that a reported incident may constitute criminal action, the District shall notify the proper law enforcement agency promptly and shall notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

2. **District-level Procedure**
The Superintendent or his/her designee shall promptly arrange for the investigation and resolution of all bullying, harassment and/or discrimination appeals or complaints that are referred to him/her. In the event that a complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to the Board counsel or his/her designee for investigation.

The Superintendent shall also promptly address any appeals of the outcome of an initial investigation. The District level investigation should begin as soon as possible (three working days) following receipt of the appeal by the Superintendent or Board President.

In conducting the formal District level investigation, the district will endeavor to engage individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the Remediation/Discipline/Penalties section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the District-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

3. **Board-level Procedure**
When a request for review by the Board has been made; the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

The District shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

G. Retaliation Prohibited
Any act of retaliation against any person who reports bullying, harassing or discriminatory behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

H. Remediation/Discipline/Penalties
Any individual who violates this policy by engaging in harassment, bullying and/or will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:
- Restitution and restoration;
- Peer support group and counseling
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;

- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.
- Disciplinary measures available to school authorities include, but are not limited to the following:
- Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.
- Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.
- Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.
- Vendors: Penalties may range from a warning up to and including loss of District business.
- Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

I. Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the District website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of harassment, bullying and/or discrimination on the target and bystanders.

All parents and persons in parental relation shall receive, in a manner determined by the school (which may include through electronic information or sending information home with students) at least once per year the name and information about the Dignity Act Coordinator and the name of the designated building officials to whom complaints of alleged harassment, discrimination and/or bullying may be made. This information will also be posted in highly visible areas of the school building and will also be made available at district and school-level administrative offices.

Information about the Dignity for All Students Act and its interrelation with the District's Code of Conduct shall be contained in the plain language summary of the Code of Conduct provided to all parents and persons in parental relation to students before the beginning of each school year; or by providing this information at least once per year in a manner determined by the District which may include sending information home with students or electronic communication. In addition, this information will be posted in highly visible areas of the building and shall be available in district and school level administrative offices.

J. Training

Training needs in support of this bullying prevention and intervention program will be reflected in the District's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The bullying prevention coordinator, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Training and awareness for all District employees will be provided in conjunction with existing professional development training to raise staff awareness and sensitivity to bullying, discrimination and/or harassment directed

at students committed by students or school employees on school property, at a school function or occurring off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property. This training shall include ways and strategies to promote a supportive school environment which is free from harassment, bullying and/or discrimination. The training will be designed to raise awareness and sensitivity of employees; to address social patterns and their effect on students; to inform employees on the identification and mitigation of acts of harassment, bullying and/or discrimination; provide strategies for effectively addressing problems of exclusion, bias and aggression; include safe and supportive school climate concepts in curriculum and classroom management strategies and shall ensure effective implementation of school policy on conduct and disciple. Training of staff shall also raise employee awareness to the effects of harassment, bullying and cyberbullying and/or discrimination on students and others.

X. REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, 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 possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must 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, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

XI. DISCIPLINARY PENALTIES

A. 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. Staff is encouraged to implement Restitution practices to aid students in self-discipline and use disciplinary action only when necessary.

Disciplinary action, when necessary, will be firm, fair and consistent. 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 will usually merit a lighter penalty than subsequent violations. Disciplinary measures specific to particular infractions are described where pertinent in this code.

A disciplinary matrix titled, "Disciplinary Action Guidelines", created by the discipline committee, provides a general guide for disciplinary action. This matrix will be reviewed annually. See Appendix.

Any student identified as having a disability or is "suspected of having a disability" will be disciplined in accordance with procedures outlined by the applicable laws and regulations. Students may also be referred to the Committee on Special Education for a programmatic review consistent with the afforded procedural safeguards.

B. 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 referral – any member of the district staff, student teacher, etc.
3. Student conference - with teacher, counselor, administrator, and/or parent.
4. Telephone Contact with parent/guardian, if possible, before detention.
5. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
6. After-School Teacher Detention – teachers
7. 4:00 Detention - Principal
8. Suspension from transportation – principal, superintendent
9. Suspension from athletic participation – coaches, principal, superintendent
10. Suspension from social or extracurricular activities – activity director, principal, superintendent
11. Suspension of other privileges – principal, superintendent
12. In-school suspension – principal, superintendent
13. Removal from classroom by teacher – teachers, principal
14. Short-term (five days or less) suspension from school – principal, superintendent, board of education
15. Long-term (more than five days) suspension from school superintendent, board of education
16. Permanent suspension from school – superintendent, board of education

C. 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.

1. **After-school Teacher Detention** Teachers may use 10th period detention in their classrooms to counsel students concerning proper school behavior.
2. **After-school Detention** 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. If a student does not attend their after-school detention without a plausible excuse, the detention will be doubled.
3. **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 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.

4. **Suspension from athletic participation, extra-curricular activities and other privileges** A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges 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.
5. **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.

6. **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:

   a. Short-term "time out" within the classroom.
   b. Taking the student into the hallway for a brief dialogue about classroom behavior.
   c. Sending a student to the principal's office for the remainder of the class time only.
   d. 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 this code.

   On occasion, a student's behavior may become disruptive. For purposes of this 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. No such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)I or the period of removal expires, whichever is less;

   If the disruptive student does not pose a danger or on-going 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 on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must immediately notify the office so the appropriate person can be sent to remove the student. The teacher must, however, explain to the student why he or she was removed from the classroom before the end of the school day and give the student a chance to present his or her version of the relevant events within *24-hours.

   The teacher must complete a district-established disciplinary removal form within the hour. The teacher will also 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. 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, in writing, 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 within 48 hours of the removal. The timing of the informal meeting may be extended by mutual agreement of the parent and the principal.

   The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within *24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting 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 principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

a. The charges against the student are not supported by substantial evidence.
b. The student's removal is otherwise in violation of law, including the district's code of conduct.
c. 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.
*24 hours does not include weekend or out of session time. **Does not include weekends or holidays.*

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.

D. 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.

1. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of

the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of 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.

2. **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.

3. **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.

E. Minimum Periods of Suspension

1. **Alcohol and Tobacco Products:** Students who possess, use or are under the influence of alcohol, tobacco, or tobacco products on school grounds, at a school-sponsored activity (at and away from school) or in a school district vehicle
   a. **First Offense**
      i. If the first offense occurs during the instructional day or at a school sponsored activity, the student's parent(s)/guardian(s) will be contacted and directed to remove their son/daughter from school or the

activity for the balance of the day or that activity.

ii. The student will be subject to an in-school or out of school suspension for a period not to exceed three days. The Building Principal may request or be requested to apply for a Superintendent's hearing if he/she feels that more than five days of suspension appear necessary due to his/her concern for the health and safety of that student or other students in the school. The Superintendent of Schools may recommend restricted instruction and/or placement in alternative instruction at any time.

iii. The student will be immediately suspended from all school extracurricular activities for a period not exceeding seven calendar days.

iv. Prior to a student returning to school, a parent/guardian-student conference will be held with the Principal or his/her designee.

b. Second Offense

i. If the second offense occurs during the instructional day or at a school sponsored activity, the student's parent(s)/guardian(s) will be contacted and directed to remove their son/daughter from school or the activity for the balance of the day or that activity.

ii. The student will be subject to an in-school or out of school suspension for a period not exceeding five days. The Building Principal may request or be requested to apply for a Superintendent's hearing if he/she feels that more than five days of suspension appear necessary due to his/her concern for the health and safety of that student or other students in the school. The Superintendent of Schools may recommend restricted instruction and/or placement in alternative instruction at any time.

iii. The student will be immediately suspended from all school extracurricular activities for a period not exceeding 30 calendar days. A student may be readmitted, at the discretion of the Principal, as a member of an extracurricular activity prior to the completion of his/her extracurricular activity suspension. However, the student will be suspended from such extracurricular activity for a minimum of two weeks prior to such reinstatement.

iv. Prior to a student returning to school, a parent/guardian-student conference will be held with the Principal or his/her designee.

c. Third and Subsequent Offenses

i. If the first offense occurs during the instructional day or at a school sponsored activity, the student's parent(s)/guardian(s) will be contacted and directed to remove their son/daughter from school or the activity for the balance of the day or that activity.

ii. The student will be subject to an in-school or out of school suspension for a period not exceeding five days. The Building Principal may request or be requested to apply for a Superintendent's hearing if he/she feels that more than five days of suspension appear necessary due to his/her concern for the health and safety of that student or other students in the school. The Superintendent of Schools may recommend restricted instruction and/or placement in alternative instruction at any time.

iii. The student will be immediately suspended from all school extracurricular activities for a period not exceeding 60 calendar days. A student may be readmitted, at the discretion of the Principal, as a member of an extracurricular activity prior to the completion of his/her extracurricular activity suspension. However, the student will be suspended from such extracurricular activity for a minimum of four weeks prior to such reinstatement.

iv. Prior to a student returning to school, a parent/guardian-student conference will be held with the Principal.

2. Sale/Distribution of Alcohol, Tobacco and Tobacco-Related Products:

a. Any students found to be selling or distributing alcohol or other substances on school grounds, at a school-sponsored activity (at and away from school) or in a school district vehicle will be suspended from all extracurricular activities for a minimum of 120 calendar days.

b. Note: In addition to the penalties noted in sections A-D above, district officials will be obligated to contact the police and advise them that a student had used, possessed, sold or distributed alcohol or other substances on school grounds, at a school-sponsored activity or in a school district vehicle.

3. Illegal or Controlled Substances:

a. Students who possess, use distribute, sell, or are under the influence of illegal or controlled substances, (as described under Prohibited Student Conduct) on school grounds, at a school-sponsored activity (at and away from school) or in a school district vehicle

i. If the first offense occurs during the instructional day or at a school sponsored activity, the student's parent(s)/guardian(s) will be contacted and directed to remove their son/daughter from school or the activity for the balance of the day.

ii. The student will be suspended for a period not exceeding five days. The Building Principal will request a Superintendent's hearing. The Superintendent of Schools may suspend a student for up to and including one year.

b. A student who self-refers to school faculty or parent/guardian for assistance in dealing with their alcohol or other substance use/abuse.
   i. If a student self-refers for assistance in dealing with his/her chemical use, he/she will be referred to support services. Amnesty from discipline will continue as long as the student follows his/her recommended intervention program and does not violate the code as stated above. If that student does not follow the intervention program, he/she will be subject to the provisions of this code.

4. **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 will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:
   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.

5. **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.

6. **Any student who commits bomb threats**
Any student, other than a student with a disability, who is found to have made a bomb threat will be prosecuted to the fullest extent of the law and the code of conduct.

   The following consequences are used for bomb threat infraction(s):
   a. Notification of authorities
   b. Notification of parents
   c. Five (5) day out-of-school suspension
   d. Superintendent's Hearing
   e. Family Court Appearance Ticket
   f. Probation and/or community service

7. **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, "repeatedly is 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, or three or more occasions during a trimester. 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.

F. Referrals

1. Counseling

Building principals, in conjunction with the Special Ed. director, when appropriate, shall handle referrals of students to counseling.

2. PINS Petitions

The district (Building principal) 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 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.

XII. 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.

XIII. 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 there are certain procedural protections for students with disabilities when imposing discipline. 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. Behavioral intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.
   b. Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either for more than 10 consecutive school days; or for a period of 10 consecutive 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.

c. Functional behavioral assessment means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of the Commissioner's Regulations and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

d. Interim alternative educational setting or IAES means a temporary educational placement determined by the committee on special education, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall:
   i. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
   ii. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

e. Removal means:
   i. A removal of a student with a disability for disciplinary reasons from that student's current educational placement, other than a suspension; and
   ii. The change in placement of a student with a disability to an IAES by an impartial hearing officer.
   iii. Such term shall also include the change of placement of a student with a disability to an IAES made in conjunction with a suspension.

f. Manifestation Determination. A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after:
   i. A decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting; or
   ii. A decision is made by an impartial hearing officer to place a student in an interim alternative educational setting; or
   iii. A decision is made by a board of education, district superintendent of schools, building principal or superintendent to impose a suspension that constitutes a disciplinary change in placement.

g. Suspension means a suspension pursuant to Education Law §3214.

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 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 along as those removals do not constitute a change of placement.
   d. The component school district superintendent, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing, 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, for the following reasons:
      i. The student with a disability has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;
      ii. The student with a disability carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency; or
      iii. The student with a disability knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency.

B. Change of Placement Rule

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, based on a pattern of suspensions or removals 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.

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 of the 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 whenever 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 education settings 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:
      i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
      ii. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and 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 split 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 a non-disabled student, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not 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.
      i. 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.
      ii. 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 ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XIV. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

A. **Protect oneself, another student, teacher or any person from physical injury.**

B. **Protect the property of the school or others.**

C. **Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.**

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XV. STUDENT SEARCHES AND INTERROGATIONS

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent and administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and student will be present when their possessions are being searched.

A. **Student lockers, Desks and other School Storage Places**
The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. **Documentation of Searches**
The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:
1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).

4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses to the search.
8. Time and location of search.
9. Disposition of items found.
10. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

a. They must be informed of their legal rights.
b. They may remain silent if they so desire.
c. They may request the presence of an attorney.

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XVI. VISITORS TO THE SCHOOL

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

A. Anyone who is not a regular staff member or student of the school will be considered a visitor.

B. BAll visitors must notify the school 48 hours in advance and complete the visitor request form, which must be approved by the principal prior to the visit. Not all requests will be approved, and some may be partially approved. The principal will notify the visitor and attendance officer if/when a request has been approved.

C. All visitors to the school must report to the attendance office, and then to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the attendance office before leaving the building.

D. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

E. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

F. Teachers are expected not to take class time to discuss individual matters with visitors.

G. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

H. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XVII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Violate another student's civil rights and/or intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.

9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Smoke or use smokeless tobacco on school property.
16. Remove school property from the premises without appropriate authorization.
17. Violate any fire codes.
18. Falsely report a bomb threat.
19. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students and all staff. They shall be subject to disciplinary action as the facts may warrant, in accordance with the appropriate due process requirements.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The building principal or his or her designee shall be responsible for contacting local law enforcement agencies regarding Code of Conduct violations which constitute a crime.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code

XVIII. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing 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.
4. 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.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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 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. The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available.

APPENDIX I. DISTRICT POLICY AND REGULATIONS PERTAINING TO PROHIBITION OF SEX DISCRIMINATION/SEXUAL HARASSMENT: 2012 7551R

Students

Subject: Sexual Discrimination and Harassment
The Salmon River Central School District is committed to creating and maintaining a working and learning environment which is free of discrimination, harassment and intimidation. Based upon the principle that every employee and student is entitled to be treated with dignity and respect, and a recognition that discrimination and harassment on the basis of sex is a violation of law and District policy, the District strictly prohibits conduct which constitutes sex discrimination/sexual harassment in any form.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated District policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)
Retaliation against any individual for filing a sex discrimination/sexual harassment charge or making a sex discrimination/sexual harassment complaint is illegal and prohibited. Similarly, retaliation against any person who participates in an investigation or proceeding and/or hearing of a sex discrimination/sexual harassment complaint is also prohibited. Any employee or student who retaliates against another shall be subject to disciplinary action, as warranted, in accordance with legal guidelines and applicable contractual mandates.
The District strictly prohibits all forms of sex discrimination/sexual harassment on school grounds and at all school-sponsored programs, activities and events including those which take place off school premises or in another state.

A. **Definitions/Examples of Prohibited Conduct**
Sexual harassment is a form of sex discrimination which consists of unwanted and unwelcome sexual or gender-based behavior which has the purpose or effect of:
1. Substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity;
2. Creating an intimidating, hostile or offensive learning environment;
3. Effectively barring the student's access to an educational opportunity or benefit; and/or
4. Substantially or unreasonably interfering with an employee's ability to work, professional performance, productivity, physical security, career opportunities, services or other benefits of employment.

Sexual harassment includes, but is not limited to, overt or implicit bribes, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature or that is based on sexual/gender stereotypes. Sexual

harassment does not depend on the "voluntary" nature of the behavior or activity, but instead focuses on whether the alleged advances or behavior were unwelcome.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. Prohibited conduct can be verbal, non-verbal, or physical (the latter may qualify as criminal sexual assault). Examples of such conduct include, but are not limited to, the following:

1. Verbal abuse or ridicule, including innuendoes, stories and jokes, which are of a sexual nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
2. Direct or indirect threats or bribes for unwanted sexual activity.
3. Asking or commenting about a person's sexual activities.
4. Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
5. Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
6. The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
7. Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
8. Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
9. Unwelcome and/or offensive public displays of sexual/physical affection.
10. Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
11. Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Behavior shall be considered unwelcome and unwanted if the student or employee did not initiate, request or invite such conduct or communication and/or regarded such conduct or communication as undesirable or offensive.

Sexual violence is also a prohibited form of sex discrimination/sexual harassment. Sexual violence includes, but is not limited to acts such as rape and sexual assault.

B. Authority and Responsibility

It is the responsibility of all School District employees and students to ensure that their behavior and environment are maintained free of sex discrimination/sexual harassment. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to sex discrimination/sexual harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative sexual treatment.

All complaints of sex discrimination, including sexual harassment, sexual assault, sexual violence and/or gender-based harassment, whether written or verbal, formal or informal, will be thoroughly investigated by the District to determine whether the totality of the alleged behavior and circumstances may constitute sex discrimination/sexual harassment. It is recommended that any employee and/or student who believes he/she has been subjected to sexual discrimination/ harassment, or has reason to know of and/or witnesses any incident of sexual discrimination/harassment, submit a written complaint; however, complaints may be made verbally and the absence of a written complaint will not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames consistent with this regulation.

The District will take all necessary steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to correct its discriminatory effects, as appropriate.

Any student or employee who believes he/she has been subjected to sex discrimination/sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sex discrimination/sexual harassment, shall promptly report such occurrence. The report is to be directed to or forwarded to the District's designated Complaint Officer. The District's designated Complaint Officer

is the Director of Instruction and Title IX Officer, , Salmon River Central School District, 637 County Route 1, Fort Covington, New York 12937, (518) 658-6610.. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes sex discrimination/sexual harassment, he/she is still encouraged to immediately report such conduct for resolution. If the Complaint Officer is the alleged offender, the report shall be directed to the Superintendent of Schools, at the address indicated above, phone number (518) 358-6610. Allegations may be reported through informal and/or formal complaint procedures. Using the District's grievance guidelines does not preclude a student or employee from pursuing other avenues of legal recourse, including the right to register complaints with the U.S. Department of Education's Office for Civil Rights, the federal Equal Employment Opportunity Commission or the New York State Department of Human Rights. These regulations are not to be construed to limit the right of any individual to file a lawsuit in either federal or State court.

If there is some reason why a student or employee cannot make a report to the Complaint Officer designated above, he/she may report the matter to the Superintendent of Schools. If a student reports such occurrence to any other school employee, the student shall be informed of the employee's obligation to report the complaint to administration. The administrator or supervisor who is made aware of the occurrence of possible sex discrimination/sexual harassment, whether or not a written complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or Complaint Officer designated above.

Complaints of sex discrimination/sexual harassment will be investigated thoroughly, promptly and impartially in accordance with applicable law and regulations as well as any applicable collective bargaining agreement(s).
The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding sex discrimination/sexual harassment, and the status of any investigations.

C. Reporting of Complaints: General Guidelines

Any student or employee who believes that he/she has been subjected to sex discrimination/sexual harassment of any kind or who is made aware of and/or witnesses any possible occurrence of sex discrimination/sexual harassment shall report such complaint as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. In order to assist in the investigation, victims and/or witnesses should document the discrimination/harassment as soon as it occurs, providing as much detail as possible including, but not limited to, the following:

1. The name, address and telephone number of the complainant.
2. The name and/or description of the alleged offender or offenders.
3. The specific nature of the alleged discrimination/harassment including the complainant's explanation of why he/she believes it to be discrimination/harassment.
4. A thorough and detailed account of the actions and/or dialogue which occurred between the alleged perpetrator/harasser and the complainant. This account should include the frequency of the conduct, the date, time, location of the incident, and the complainant's actions and responses during the incident(s).
5. The names of witnesses or of persons who have knowledge of the incident, including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
6. Written material, documents, or other evidence related to the incident.

In investigating the complaint, the designated Complaint Officer will meet separately with the complainant and the alleged perpetrator/harasser, and will follow applicable law and regulations as well as any applicable collective bargaining agreement(s).

Throughout the District's complaint process, the parties will be provided an equitable opportunity to present relevant witnesses and other information.

All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a "need to know" basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established. The complainant, the alleged perpetrator/harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Parents of students subjected to possible sex discrimination/sexual harassment and/or students filing a sex discrimination/sexual harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. If the

accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability.

The designated Complaint Officer will begin investigating the allegations of sex discrimination/sexual harassment no later than three (3) working days following receipt of the verbal or written complaint; and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the verbal or written complaint. If necessary, the Complaint Officer is authorized to enlist the aid of additional investigators. In the case of extenuating circumstances, the Complaint Officer will file a status report with the Superintendent/designee if it becomes necessary to extend the timeline for completion of the investigation.

During the course of the investigation and thereafter, the Complaint Officer will instruct the alleged perpetrator/harasser to have no contact or communication regarding the complaint with the victim and/or any witnesses; and that retaliation, whether direct or indirect, against the victim and/or witnesses is prohibited and may be subject to disciplinary action. Similarly, the Complaint Officer will instruct the victim and/or witnesses to refrain from contacting or communicating with the alleged perpetrator/harasser regarding the complaint. The Complaint Officer will ask the victim what specific action the victim wants taken by the District in order to satisfactorily resolve the complaint.

If the complainant attempts to withdraw a complaint, the Complaint Officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file. Such records will be maintained for the period of time required by law.

D. Step 1 – Informal Complaints

A complainant who believes that he/she has been subjected to sex discrimination/sexual harassment or anyone who is aware of or who has knowledge of or witnesses an occurrence of sex discrimination/sexual harassment may file an informal complaint, whether verbal or written, by requesting a meeting between himself/herself and the Complaint Officer (or by reporting such occurrence as otherwise indicated in this regulation) in order to discuss the allegations and further appropriate actions, if any. The Complaint Officer will next discuss the complaint with the alleged offender. If the alleged offender is a District employee, the investigation will be in accordance with any applicable collective bargaining agreement. All complaints, whether formal or informal, concerning allegations of sex discrimination/sexual harassment are to be reported immediately to the Building Principal* and Superintendent for his/her information; and the Complaint Officer will keep the Building Principal and Superintendent informed throughout all stages of the investigation. The Principal and Superintendent will be kept informed of the complainant's and/or accused's response and recommended course of action, if any.

*If the Building Principal is the alleged offender, then the Complaint Officer shall designate another school official who will take the place of the Building Principal in all applicable phases of the complaint process.
If the initial investigation results in a finding that sex discrimination/sexual harassment did occur, the Complaint Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the complaint.

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may proceed to file a formal complaint (See Step 2 below).

Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the Complaint Officer may interview the alleged perpetrator/harasser, inform the alleged perpetrator/harasser of the complaint, question the perpetrator/harasser about the alleged incidents, and review the District's policy and regulations regarding sex discrimination/sexual harassment. The Complaint Officer will inform the alleged

perpetrator/harasser that he/she must immediately stop any offensive conduct or face appropriate disciplinary action. The Complaint Officer will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).

Some types of informal actions which may be instituted if agreeable to the victim include the following:

- Conducting a workshop on the recognition and prevention of sex discrimination/sexual harassment for the building or department.
- Speaking to the alleged offender.
- Separating the parties, if possible and appropriate.

Mediation

Where appropriate, the designated Complaint Officer may suggest mediation as an alternative means of resolving the complaint. Mediation, however, may not be appropriate where the allegations involve sexual violence and/or assault. The use of mediation is not intended to replace but, rather, to supplement the District's informal/formal complaint procedures. If mediation is requested and agreed to by the victim and the accused, the District will use qualified mediators as provided by an outside agency to help resolve the complaint.

All informal procedures, including mediation, can be ended at any time at the request of the complainant.

E. Step 2 – Formal Complaint

A complainant may file a formal complaint of sex discrimination/sexual harassment either as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint should be directed to the Complaint Officer designated above, or, if the Complaint Officer is the subject of the complaint, to the Superintendent. The formal complaint should include all applicable information as indicated in this regulation as well as any other pertinent information which may be helpful in the course of the investigation.

As noted above, the complainant, the alleged perpetrator/harasser and any witnesses will be directed to refrain from talking about the investigation while it is pending. Disclosure of information will be on a "need to know" basis.

The formal complaint will be filed with the designated Complaint Officer who will submit a copy of the complaint to the Building Principal and Superintendent of Schools. The Complaint Officer will, in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s), conduct a prompt and thorough investigation no later than three (3) working days following receipt of the complaint.

If the formal investigation results in a finding that sex discrimination/sexual harassment did occur, the Complaint Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Complaint Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Complaint Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the formal complaint.

If the complainant is satisfied with the report of the Complaint Officer, the complainant will so indicate in writing. If not satisfied with the Complaint Officer's report, the complainant and/or the accused may appeal the determination to the Superintendent of Schools. The appeal should be in writing and submitted no later than ten (10) working days following receipt of the Complaint Officer's decision.

F. Step 3 – Appeal to the Superintendent of Schools

All formal complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed by any party to the Superintendent of Schools.

If the Superintendent of Schools issues a finding that no sex discrimination/sexual harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing.

Should the Superintendent determine that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. If the accused is not satisfied with this resolution; he/she may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

The complainant and the accused will receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint within thirty (30) working days following receipt of the complaint. If additional time is necessary to either complete the investigation or institute disciplinary/remedial action, the Superintendent will provide all parties and the Board of Education with a written status report requesting additional time to complete the investigation.

G. Step 4 – Appeal to the Board of Education

In the event that a complainant and/or accused files an appeal with the Board of Education following an investigation by the Superintendent of Schools, such appeal must be submitted in writing within ten (10) working days of receipt of the Superintendent's report. The Board of Education will conduct a hearing and issue a written response to the complainant and the accused following completion of the hearing within thirty (30) days of receipt of the complaint. If additional time is needed, a written status report shall be submitted to all parties, indicating the need for additional time.

H. Prohibition of Retaliation

Regardless of the stage of the investigation, the victim will be instructed by the Complaint Officer to report immediately if the offensive behavior occurs again and/or if the alleged harasser retaliates against him/her. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Complaint Officer immediately as to any retaliatory action(s). Additionally, the designated Complaint Officer will make follow-up inquiries to ensure that discrimination/harassment has not resumed and that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

I. Discipline/Penalties for Non-District Employees

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of the sex discrimination/sexual harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face loss of volunteer status. The application of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

J. Finding That Sex Discrimination/Sexual Harassment Did Not Occur

At any level/stage of investigation of alleged sex discrimination/sexual harassment, if a determination is made that sex discrimination/sexual harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that sex discrimination/sexual harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering sex discrimination/sexual harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sex discrimination/sexual harassment did not occur.

K. Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of sex discrimination/sexual harassment may also face appropriate disciplinary action.

L. Privacy Rights

As part of the investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

M. District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of any sex discrimination/sexual harassment, the District will require a prompt and thorough investigation by appropriate Students. Even if an anonymous complaint has been filed, the District will respond to the greatest extent possible.

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of sex discrimination/sexual harassment, including the procedures established for the investigation and resolution of sex discrimination/sexual harassment complaints, the general legal issues pertaining to sex discrimination/sexual harassment, and the rights and responsibilities of employees and students.

Those administrators and/or supervisors who have specific responsibilities for the investigation and resolution of sex discrimination/sexual harassment complaints will receive specialized training on conducting such investigations and application to applicable laws and collective bargaining agreements.

The District also has a responsibility to remedy any lingering effects the misconduct may have had on a student, including providing information about available support services.

N. Dissemination of District Policy/Regulation and Evaluation

A copy of District policy and regulations pertaining to prohibition of sex discrimination/sexual harassment will be available upon request. A copy of District policy and regulations may be posted in various locations throughout each school building. Additionally, the District's policy and regulations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

The Superintendent of Schools, or his/her designee(s), has a responsibility to review District policy and regulations to ensure continued effectiveness and compliance with applicable law. The Superintendent will recommend revisions as may be warranted to the Board of Education.

NOTE: Refer also to Regulations:
#3420R- Anti-Harassment in the School District
#6410R- Staff Use of Computerized Information Resources
#7315R- Student Use of Computerized Information Resources
#7551R- Sexual Discrimination/Harassment (Students)

Salmon River Central School District Dignity for All Students Act Coordinators:

Building	Coordinator	Contact Information
Salmon River Elementary	Principal, TBD	(518)358-6670
St. Regis Mohawk School	Principal, Kevin Walbridge	(518)358-2763
Salmon River Middle School	Principal, Tammy Russell	(518)358-6650
Salmon River High School	Interim Principal, Mike Warden	(518)358-6620

Salmon River Central School District

2016-17 Code of Conduct
Parent or Guardian and Student Signature

Dear Parent(s) or Guardian(s), and Student:

After you have read the 2016-17 Code of Conduct handbook that includes district policy, please sign this page. **Please return the signed sheet to your classroom teacher/homeroom teacher in your school building.**

Student ID#: _____

School: _____

Print Student Name: _____

Student Signature: _____

Print Parent or Guardian Name: _____

Parent or Guardian Signature: _____

Date: _____