

# CODE OF CONDUCT



**2023  
2024**

**NEWBURGH**  
ENLARGED CITY SCHOOL DISTRICT

**NEWBURGH, N.Y.**  
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The Newburgh Enlarged City School District established the S.A.V.E. Committee to ensure that the Code of Conduct is developed and annually reviewed with input from students, teachers, administrators, parent organizations, school safety personnel, and other personnel. The S.A.V.E. Committee, with participation of representatives from the above groups, meets seven times during the year, with additional meetings scheduled as necessary. As part of its advisory functions, the committee recommends to the Superintendent of Schools changes to the Code to be presented at the Board of Education's Annual Public Hearing on the Code of Conduct.

**NOTICE OF NON-DISCRIMINATION**

The Newburgh Enlarged City School District does not discriminate on the basis of an individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation, and additionally does not discriminate against students on the basis of weight, gender identity, gender expression, and religious practices or any other basis prohibited by New York State and/or federal non-discrimination laws in employment or its programs and activities. The District provides equal access to community and youth organizations. If one has questions or wants to make an inquiry regarding discrimination, including harassment, contact any one of the following: Mr. Michael McLymore or Ms. Sara Feliz at 124 Grand St., Newburgh, NY 12550, telephone 845-563-3460, or email [mmclymor@necsd.net](mailto:mmclymor@necsd.net).

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**SECTION 1**

The Newburgh Enlarged City School District (“District”) is committed to ensuring that our schools are safe and orderly environments in which teaching and learning take place each day.

**PHILOSOPHY OF RIGHTS AND RESPONSIBILITIES**

The Newburgh Enlarged City School District is committed to maintaining high standards of excellence for all students in all schools. Because we believe that the education of children is a shared cooperative effort, the District is also committed to creating and maintaining high behavior standards by working in partnership with parents, students, families, and the community. We believe that school/family/community partnerships ensure that in-school behavior expectations for students are known and emphasized at home, at school, and throughout the community. We expect our children to receive a quality education and accept our responsibility to emphasize the educational values incorporated in the Qualities of Good Citizenship (Honesty, Compassion, Respect, and Responsibility). We believe that high expectations promote achievement and will support high educational demands. We believe that students of all ages should be assisted in developing responsible behavior and will teach our children through our examples and the rules we set. We believe that students have rights and that with those rights come responsibilities.

Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solutions oriented, rather than punitive.

The District believes that order and discipline must be a shared responsibility between school, home, and community. Finally, it is our belief that, to be effective, a code of conduct must:

- identify, recognize, and emphasize acceptable behavior;
- identify, recognize, and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;
- distinguish between minor and serious offenses, as well as between first-time and repeat offenders;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that the District Code of Conduct is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person’s right to reasonable hearing procedures and due process, when accused of misconduct;
- comply with the provisions of Federal, State and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

Students, staff, parents and visitors are expected to become familiar with the provisions of the District Code of Conduct (and the rules and regulations adopted and implemented by their individual schools). Students are also expected to abide by the policies set forth in the Code, so that every student has the opportunity to grow and develop as a positive, productive, responsible, respectful and caring member of the school community and society.

**PARENTS/GUARDIANS AS PARTNERS**

Students, parents and school personnel all have a role in making our schools safe and must cooperate with one another to achieve this goal. School staff should keep parents/guardians (“parents”) informed of their child’s behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written (including email) communication. As role models, parents and school staff should exhibit the behaviors which they would like to see students emulate. To ensure that parents become active and involved partners in promoting a safe and supportive school environment, parents must be familiar with the District Code of Conduct. Staff members are responsible for informing parents about their child’s behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child’s teacher and other school staff, issues that may affect student behavior and strategies that might be effective in working with the student. It is important that there be maximum consultation and communication between the school and the home. Guidance conferences attended by the principal or his/her designee, a school counselor, the student’s parents, and one or more of the student’s teachers are an effective means of encouraging parental input and should be held with students where appropriate. Parents who want to discuss interventions in response to student behavior should contact their child’s school.

**Parent Notification**

School officials are responsible for sharing the information in this document with students, parents and staff. The District will make every effort to provide this information through multimedia methods including:

- A link on the District website in various languages and accessible to individuals with disabilities
- Audio link in various languages and accessible to individuals with disabilities

In the event a student engages in inappropriate behavior, the principal or principal's designee must report the behavior to the student's parent/guardian. When there is reason to believe that a student has committed a crime, the police must be summoned and the parent must be contacted.

The Newburgh Enlarged City School District Code of Conduct was developed to ensure that students – and all members of the school community – learn and engage in appropriate behavior that supports student success in life and in society. The standards are for the entire School District and all of its individual school communities. It lays out the Districts' expectations for students, parents, guardians and school based staff, and it lists and describes the inappropriate and disruptive behaviors that are unacceptable in school settings. Because the Newburgh Enlarged City School District is committed to correcting inappropriate behaviors within its school settings so that students may remain in school and learn, the Standards include prevention and intervention strategies to be used, as appropriate, with any discipline response.

### **Attendance**

Attendance at school is vital to a student's academic progress and success. School personnel will ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent in order to determine needed supports and an appropriate course of action, which may include, but is not limited to an intervention, referral for counseling, referral to after-school programs, and/or other community based resources.

**If a student or parent needs assistance or services beyond the school, the following offices may be helpful:**

<b>Board of Education Switch Board Operator.....</b>	<b>(845)563-3400</b>
<b>Newburgh's Family Welcome Center (Registration and Transfers) .....</b>	<b>(845)568-6670</b>
<b>Homeless Liaison Office .....</b>	<b>(845)568-6846</b>
<b>Department of Student Support Services.....</b>	<b>(845)563-3415</b>
<b>Transportation .....</b>	<b>(845)568- 6835</b>
<b>Health Related Services.....</b>	<b>(845)563-3497</b>
<b>Department of Language Acquisition.....</b>	<b>(845)563-3478</b>
<b>Department of Family and Community Engagement .....</b>	<b>(845)563-3462</b>
<b>Security .....</b>	<b>(845)563-5555</b>
<b>Special Education .....</b>	<b>(845)563-8520</b>
<b>Athletics Department.....</b>	<b>(845)563-5420</b>
<b>Pre-K Center.....</b>	<b>(845)568- 6735</b>
<b>Student Support Services (Suspension Hearings).....</b>	<b>(845)568-6710</b>
<b>Superintendent's Office.....</b>	<b>(845)563-3500</b>



## SECTION 2 – Acknowledgement of Code of Conduct

**SEE ACKNOWLEDGEMENT OF CODE OF CONDUCT FORM ON PAGE 55. PLEASE REVIEW, SIGN, DISCUSS WITH YOUR CHILD, AND LASTLY, RETURN TO YOUR CHILD’S SCHOOL.**

### TRAINING ON THE CODE OF CONDUCT

The District will periodically provide training for essential partners in implementing the Code of Conduct and effective student management strategies in accordance with the responsibilities and expectations of the essential partners as set forth in this Code.

In-service training will be provided in a variety of modes, such as school- or District-level meetings and workshops, presentations, joint meetings of designated staff, courses, webinars, and demonstrations of school- or District-wide prevention or intervention strategies or programs.

In keeping with its commitment to maintain children in classrooms and schools to the maximum extent possible, the District will provide training in areas that foster an expansive approach to discipline, such as: 1) professional development and training on classroom management; and 2) ways in which staff will be supported when disciplinary issues arise in the classroom. It also includes ways that engage parents, such as developing effective systems of communicating with parents, holding school social events, and other activities that engage parents in their children’s learning and in the school community.

Periodically, the District will solicit parent, staff, and student input on proactive interventions to be implemented as part of an expansive approach to discipline. The District will also consider conducting a needs assessment of what preventive programs would best meet the needs of the District’s schools. The input received will be considered for developing recommendations for inclusion as part of the Code of Conduct Training activities.

The schedule of training activities will be communicated to the Board of Education, as an essential partner in the implementation of the Code of Conduct. The District will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of the code to all students at an assembly or in class at the beginning of each school year.
2. Posting the complete code of conduct on the district’s website.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making the complete code available for review by students, parents and other community members.
6. Students and Parents/Guardians will review and sign the acknowledgement tear off sheet that can be found on p.55.

### EMERGENCY SITUATIONS: PROTECTIVE ACTIONS AND RECOMMENDED PARENT RESPONSES

The District and each school building maintain school safety plans that detail response procedures for possible emergencies. The protocols for emergency response vary based on the particular circumstances. When conditions warrant an emergency response, local law enforcement collaborates with District and building administration to determine the most appropriate response based on the information available and the particular circumstances.

**Building Lockdown** - Students and staff will remain in their current location and no one will be allowed to leave until the situation has been resolved. Students will not be released from school. Parents should not attempt to pick up their children nor should they be present at school. Parents should not call the school. Parents should monitor local radio stations and the District’s website for information.

**Building Lockout** – This procedure curtails activity outside of the school building and access to the campus is limited. This procedure allows the school to continue the normal school day.

**Evacuation** - Moving students for their protection from a school building to a predetermined location in response to an emergency.

**Secure the Building** – Controlled access to the building is extended to the campus perimeter. This procedure indicates that a serious situation exists within the building and that all students and staff are to immediately move out of the hallways and into the classrooms. Law enforcement will dictate subsequent actions until the situation has been resolved.

**Short-Term Shelter-in-Place** – The entire school population moves to a single location or to multiple locations within a school building. The receiving areas of the building will have been checked and declared safe. The students will remain in that location until the situation

has been resolved. This is most commonly used during bomb threats and weather emergencies. During Homeland Security Emergencies, students who cannot be sent home because a responsible adult is not home to receive the student will be sheltered at a designated location that will be supervised by District personnel and law enforcement. When a responsible adult is available, the student can be picked up.

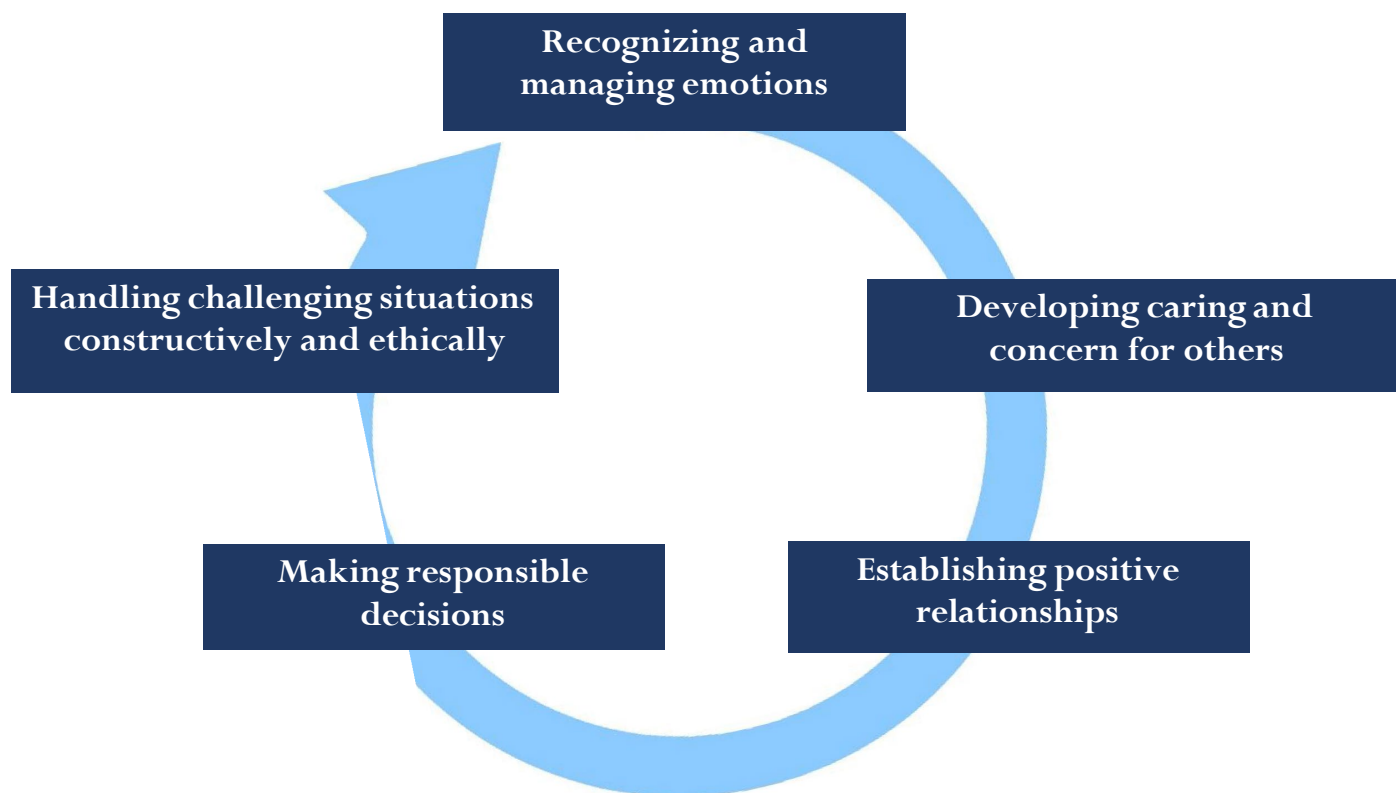
**Transfer to Alternate Location or Emergency Shelter** – In the event that the building is evacuated and is not cleared for re-entry, all persons will be directed to an alternative evacuation site as directed by District administration and/or law enforcement.

### SECTION 3 – Creating Safe, Supportive, and Inclusive Schools

#### PROMOTING POSITIVE STUDENT BEHAVIOR

School culture and climate have a profound impact upon students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students with a supportive environment in which to grow both socially, emotionally and academically.

Schools are expected to take a proactive role in nurturing students' pro-social behavior. Social-emotional learning must be a basic component of a school's program of universal prevention for all students. Effective social-emotional learning helps students develop fundamental life skills, including:



When students develop these skills, they experience more positive relationships with peers, engage in more positive social behaviors and are less likely to engage in misconduct.

Establishing a school-wide tiered framework of behavioral supports and interventions is essential to implementing progressive discipline. The goal of behavioral supports is to foster resiliency, help students understand and follow school rules, and support them in developing the skills they need to meet behavioral expectations.

School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning. Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g., anger, outbursts, withdrawal, self-injury).



Intervention and prevention strategies include, but are not limited to:

- Support and services to address personal and family circumstances;
- Social-emotional learning;
- Conflict resolution;
- Peer mediation;
- Collaborative negotiation;
- Restorative practices (e.g., circles, formal restorative conferences);
- Anger management;
- Stress management;
- Collaborative problem solving;
- Communication skills acquisition;
- The use of alternate instructional materials and/or methods; enrichment services and/or
- Development or review of functional behavioral assessments and behavioral intervention plans for students with disabilities. For other students, behavior plans may be developed and/or reviewed as an early intervention strategy.

By using behavioral supports and intervention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

Equally important, student engagement is integral to creating a positive school culture that fosters students' social-emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors. Examples may include:

- Meaningful opportunities to share ideas and concerns and participate in school-wide initiatives (e.g., student government, regularly held student forums, school wide community service projects, etc.);
- Student leadership development;
- co-curricular after-school activities (e.g., student clubs, including sports related clubs, service organizations, team sports; etc.)
- Periodic recognition of students' achievements in a wide range of academic and co-curricular areas;

Such opportunities, coupled with a comprehensive program of prevention and intervention support services, provide students with the experiences, strategies, skills, and support they need to thrive.

## PREVENTATIVE PRACTICES / INTERVENTION STRATEGIES

The ladder of supports and disciplinary consequences below illustrates a progressive response to inappropriate behavior. Student misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors including the nature and severity of the misconduct. In many cases, the use of in-school disciplinary response and/or the use of supports and interventions may be suitable. In other cases, a student's misconduct may require or be appropriately addressed by a targeted or significant disciplinary response along with supports and interventions. In all cases, it may be suitable for supports and interventions to take place outside of the classroom.

### Intervention Response: Positive Relationships

Research shows that positive relationships help children learn. When our communities, schools and homes are free from fear, anger and other distractions, human development can occur. We know that students are more likely to succeed when they feel connected to others in their community, and are less likely to act out in ways that cause disruption to the school environment. (For more on this topic, see Bonnie Bernard's *Fostering Resiliency in Kids* or Robert Blum's "A Case for School Connectedness," *Educational Leadership*, April 2005)

### Tips for Calming Conflict

Show students you understand. Listen well, with sincere concern, to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.

Ask open-ended questions. Say, for example, "What was that like for you?" or "Tell me more about that." This gets more than a "Yes" or "No" response, and help students tell their story.

Use reflective listening when intervening in a conflict. Get the attention of an angry person by reflecting back the feelings you hear in a nonjudgmental way. Let students tell their story – say just enough to help them do it.

Help students problem-solve disputes. Use open-ended questions and reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.

### Skills and Strategies for Building Positive Relationships

- Communicating understanding
- Structuring tasks for student success
- Reinforcing student behavior in a positive manner
- Setting rules, limits and consequences
- Creating a safe and trusting environment
- Remaining neutral
- Using nonjudgmental language
- Responding only when a response is necessary
- Staying calm in tense situations
- Encouraging people to “vent” while being aware of safety
- Listening and repeating what students say (reflective listening)
- Identifying and labeling feelings, values and topics to be resolved (strategic listening)
- Asking open-ended questions
- Assisting people in using a positive problem-solving process

### Suggested Practices for Establishing Positive Relationships

**Morning Meetings.** Classroom meetings in which the teacher and all students come together are usually for one of two purposes: to build community at a relatively peaceful time or to resolve a conflict. At the morning meeting, students sit in a circle and do activities together that help build caring within the group and between individuals. The meeting provides a place students come to understand the truest meaning of “finding common ground.” They come to see, tolerate and appreciate the ways of one another, including their teachers. The most basic element of caring that aids this process is the genuine willingness to listen attentively.

**Student Advisories.** Students meet in small groups with an adult advisor to focus on character and civic development. Students discuss day-to-day issues, define their values, develop a trusting relationship with an adult advocate, hone communication skills and participate in social justice or service learning projects. Student Advisories offer emotional support for students during adolescence. Ideally, the advisory teacher is someone students know they can trust and talk to about their progress in school. The activity can provide peer recognition in an accepting environment, and offset peer pressure and negative responses from peers in other areas.

**Student Ambassadors.** The Student Ambassador goal is to engage students in activities that promote student connectedness and belonging to the school experience. Student Ambassadors serve as the youth voice for the student body. The students participate in team building activities and plan and conduct activities with their peers, in an effort to maintain a positive school climate and to motivate and engage the entire school community in addressing barriers to learning such as poor attendance.

### Additional Intervention Strategies

To help students conduct themselves appropriately, the District lists prevention and intervention strategies that **may** be used prior to **or** in addition to any disciplinary response to student behavior. Examples of such strategies include the following:

**Community Conferencing:** Allows students, school staff and others involved in a conflict to discuss the conflict and how it affected them and to propose solutions.

**Conference:** Involves students, parents/guardians, teachers, school staff and principals in discussion about student misbehavior, the possible causes of the misbehavior and potential solutions that address social, academic and personal issues related to the behavior.

**Conflict resolution:** Empowers students to take responsibility for peacefully resolving conflicts. Students, parents/guardians, teachers, school staff and principals engage in activities that promote problem solving skills and techniques, such as conflict and anger management, active listening and effective communication.

**Functional Behavior Assessment (FBA):** Involves gathering information about students’ inappropriate or disruptive behavior and determining approaches that school staff must take to correct or manage student behavior. This information is used to develop a Behavioral Intervention Plan for the student with disabilities.

**Mentoring program:** Involves pairing students with mentors (a school counselor, teacher, fellow student or community member) who help their personal, academic and social development.

Parent outreach: Requires school staff to inform parents/guardians of their child's inappropriate or disruptive behavior. Outreach made in writing or by telephone is intended to make parents aware of the student's behavior, task completion and achievement, and can include a request for parents to accompany students to school.

Peer mediation: A form of conflict resolution in which students help other students deal with and develop solutions to conflict.

Referral to appropriate substance abuse counseling services: Occurs for behavior related to substance abuse, or with those for whom there is reason to believe substance abuse counseling is needed. Service can be school or community based.

Referral to community-based organizations: Can involve a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

### **Preventative Practices/Intervention Strategies**

Restorative justice strategies: Interventions designed to identify and address the harm caused by an incident, and to develop a plan to heal and correct the situation.

Student Support Team (SST): Consists of SST chair, school psychologists, school social worker and school counselor. The SST may work with the building principal, teachers, school nurses, mental health clinicians and external agency representatives to develop behavioral interventions and alternative strategies that will lead to student success. When student behavior requires intervention, parents, school staff and the principal may request that the Student Support Team develop a plan to address the student's behavioral needs. If the behavior does not improve after implementation, timely review and revision of the plan and is significantly interfering with the student's learning and academic progress, it may be necessary to refer the student for a CSE evaluation.

### **Examples of Supports and Interventions**

Guidance Conference: Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.

Development of Individual Behavior Contract: The student meets with teachers to create a written contract that includes objectives and specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.

Intervention by Counseling Staff: Where available, school-based counseling personnel and/or school-based mental health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff (with parental consent).

Referral to Student Support Team (SST): SSTs are school-based teams that use a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome his/her academic and/or other challenges.

Restorative Practices: Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing.

Collaborative Problem Solving: When a student engages in challenging behavior, a trained school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both.

Individual/Group Counseling: Individual counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, developing effective conflict resolution and/or communication skills, etc. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges with parental consent. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.

Referral to Counseling Services for Bullying, Intimidation, or Harassment: When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education

services provided by school staff or a community-based agency. Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for bullying, intimidation, or harassment.

The following are resources available to staff to assist in developing social-emotional coping skills and character development:

<http://www.newburghschools.org/rtidept.php>  
<http://www.interventioncentral.org/behavioral-interventions>  
<http://www.pbis.org>  
<http://pbisworld.com>  
<http://www.behavioradvisor.com>  
[http://www.ies.ed.gov/ncee/wwc/publications\\_reviews.aspx](http://www.ies.ed.gov/ncee/wwc/publications_reviews.aspx)  
<http://www.ebi.missouri.edu>

In addition to the conflict resolution and in-school suspension alternatives, every member of the Newburgh community has access to a wide variety of community organizations that can assist parents and families in dealing with issues that might affect school behavior. These organizations include, but are not limited to:

1. Newburgh Enlarged City School District, Get Involved!  
<http://www.newburghschools.org>
2. Orange County Youth Bureau  
<http://www.orangecountygov.com/youthbureau>
3. Liberty Partnerships Program (SUNY Orange) - 845-562-2494  
<http://sunyorange.edu/nec/programs/libertypartnership.shtml>
4. Best Resource Center – 845-562-2378
5. Orange County Department of Social Services - 845-568-5100
6. Orange County Health Department - 845-568-5333
7. Orange County Crisis Help Line - 1-800-832-1200
8. Orange County Department of Mental Health - 845-291-2600
9. Department of Probation (PINS) – 845-568-5000
10. D.A.R.E./Youth Officer Program - 845-564-1100

## PROGRESSIVE CONSEQUENCES

Consequences are most effective with students when they deal directly with the problem in a timely manner and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when warranted and to place emphasis on the students' ability to grow in self-discipline.

When choosing interventions and consequences for students' behavior, teachers, administrators, and staff must balance the District's goals of eliminating school disruptions and student/staff safety as well as maximizing student instructional time. Prior to disciplining students, the following factors shall be considered:

1. Age, health, and disability or special education status of the student
2. Appropriateness of student's academic placement
3. Student's prior conduct and record of behavior
4. Student's understanding of the impact of their behavior
5. Student's attitude in interactions regarding the behavior
6. Student's willingness to repair the harm caused by their behavior
7. Seriousness of the infraction and the degree of harm caused
8. Impact of the incident on overall school community
9. Whether the student's behavior threatened the safety of any student or staff member
10. The likelihood that a lesser intervention would adequately address the behavior

Where appropriate, discipline will be progressive. This means that a student's first incident will usually merit a consequence of a lesser degree than subsequent violations, taking into account all factors relevant to the severity of the current violation. However, in instances where a student's conduct is dangerous or threatens the safety of others, a more severe form of disciplinary action may be warranted, even if it is the student's first offense.

If the conduct of a student with a disability results in a long-term suspension or a series of short-term suspensions, consequences shall be administered consistent with the separate requirements of law and this Code of Conducts for disciplining students with a disability or presumed to have a disability.

In many cases, instead of disciplinary consequences, the response to a violation of the Code can be used as a “teachable moment.” This is fundamental to a positive approach to discipline. Progressive consequences use incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive consequences do not seek punishment but, rather, they seek concurrent accountability and behavioral change.

The ultimate goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:


- understand why the behavior is unacceptable and the harm it has caused
- understand what they could have done differently in the same situation
- take responsibility for their action
- be given the opportunity to learn pro-social strategies and skills to use in the future
- understand the progression of more stringent consequences if the behavior reoccurs

Every reasonable effort should be made to correct student misbehavior through interventions and other school-based resources and the least severe disciplinary responses that are reasonably calculated to correct the behavior. Interventions are essential because inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students’ education, and promote the development of a positive school culture.

**Concurrent Support and Disciplinary Response to Misconduct**

When a student engages in misconduct, support services are provided to address the student’s inappropriate behavior and/or underlying needs in conjunction with disciplinary action. The goal is to foster social-emotional growth and pro-social behavior and prevent future misbehavior.

	<b>Supports and Intervention Options</b>	<b>Disciplinary Response Options</b>
	<p>For students serving a long-term suspension, student support services are provided at an alternate instructional site. Contact between the site and the student’s home school is established to ensure academic progress and a successful transition upon return.</p>	<p><b>Long-Term Suspension after Superintendent’s Hearing</b></p> <ul style="list-style-type: none"> <li>• Permanent suspension/expulsion</li> <li>• One school year without review for early reinstatement</li> <li>• One school year with review at 90 and 135 days</li> <li>• 60-90 school days with review every 30 school days</li> <li>• 30-59 school days with review at 30 school days for suspensions of 39 or more school days</li> <li>• 11-29 school days</li> <li>• 6-10 school days</li> <li>• Immediate reinstatement</li> </ul> <p>Teacher Removal or Principal’s Suspension</p> <ul style="list-style-type: none"> <li>• Removal from classroom by teacher</li> <li>• Principal’s suspension (up to 5 school days)</li> </ul> <p>Range of In-School Disciplinary Response(s)</p> <ul style="list-style-type: none"> <li>• Formal restorative conference</li> <li>• Individual behavior contract</li> <li>• Short-term progress reports</li> <li>• Referral to Pupil Personnel Team (PPT)</li> <li>• Supervisor’s conference with student</li> <li>• In-school disciplinary action (e.g., detention, in-school suspension)</li> <li>• Parent conference</li> <li>• Student/teacher conference</li> <li>• Administrator/parent and student conference</li> <li>• Administrator meeting with student to address wrongdoing and its consequences</li> </ul>
	<p>Range of Supports and Intervention Options</p> <ul style="list-style-type: none"> <li>• Teacher conference/classroom observation</li> <li>• Peer mediation; conflict resolution</li> <li>• Restorative practices (e.g., circle or formal restorative conference)</li> <li>• Assignment of a mentor/coach</li> <li>• Guidance lessons in classrooms</li> <li>• Social-emotional learning</li> <li>• Individual behavioral contract or progress reports</li> <li>• Collaborative problem solving</li> <li>• Referral to Student Support Team (PPT)- when available</li> <li>• Parent Contact</li> <li>• Guidance conference</li> <li>• Individual and/or small group counseling</li> <li>• Referral to school nurse or school-based health clinic or external health care provider</li> <li>• Referral for academic support services</li> <li>• Referral to external mental health counseling provider or community based organization</li> <li>• Referral to counseling for bullying, intimidation or harassment</li> <li>• Referral to counseling for youth relationship abuse or sexual violence</li> <li>• Referral to substance abuse counseling</li> <li>• Referral to attendance teacher/coordinator</li> <li>• Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) for students with special needs</li> <li>• School counselor and/or other support staff and/or administrator/student conference</li> </ul>	
	<p style="text-align: center;"><b>Initial Response(s)</b></p> <p>When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor and/or to the PPT. One or more interventions and/or options for primary disciplinary consequences are used to address the student’s behavior.</p>	
<p style="text-align: center;"><b>Universal Prevention for All Students</b></p> <p>The school takes a whole school approach to promoting positive student behavior. Social-emotional learning is infused into the curriculum. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social-emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, foster resiliency, and build students’ positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention and/or support services.</p>		



**LEVELS OF INTERVENTIONS AND RESPONSES**

<b>LEVEL 1</b>	<p><b>Example of Classroom Interventions and Responses</b>                  These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion.</p>	
	<ul style="list-style-type: none"> <li>• Establish relationships with students</li> <li>• Contact parent via telephone, e-mail or text message</li> <li>• Verbal correction</li> <li>• Reminders and redirection (e.g. role play)</li> <li>• Written reflection or apology</li> <li>• Teacher or student conference</li> </ul>	<ul style="list-style-type: none"> <li>• Seat change</li> <li>• Parent/guardian conference.</li> <li>• Parent/guardian accompany student to school.</li> <li>• Daily progress sheet on behavior</li> <li>• In-class time out</li> <li>• Establish buddy teacher system.</li> <li>• Loss of classroom privileges</li> </ul>
	<p><b>Examples of Student Support Team Interventions and Responses</b>                  These interventions often involve support staff, both school based and within the broader community, and aim to engage the student’s support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student’s inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.</p>	
	<ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Referral to after-school program</li> <li>• Community conferencing</li> <li>• Mentoring program</li> <li>• Conflict resolution</li> </ul> <p><b>Examples of Administrative Interventions and Responses</b></p> <ul style="list-style-type: none"> <li>• Student/administrator conference</li> <li>• Parent contact</li> </ul>	<ul style="list-style-type: none"> <li>• Peer mentoring</li> <li>• Restorative Justice strategies</li> <li>• Referral to school-based health or mental health clinic</li> <li>• Community mediation</li> <li>• Referral to community organization</li> <li>• Short-term behavioral progress report</li> </ul>
<b>LEVEL 2</b>	<p><b>Examples of Administrative Interventions and Responses</b>                  These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p>	
	<ul style="list-style-type: none"> <li>• Change in schedule or class</li> <li>• Reprimand by appropriate administrator</li> <li>• Parent/guardian notification</li> <li>• Referral to Student Support Team (SST) for consideration of intervention</li> <li>• Restorative justice strategies, including school and community service</li> <li>• Revision to IEP (for students with disabilities) after CSE meeting</li> <li>• Removal from the classroom.</li> <li>• Suspension from computer/technology in accordance with the acceptable use policy</li> <li>• Mediation with offender and victim with the support of the psychologist or social worker</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of privilege</li> <li>• Community conferencing</li> <li>• Restitution</li> <li>• Assignment of work projects</li> <li>• Detention</li> <li>• Mentoring</li> <li>• Conflict resolution</li> <li>• FBA/BIP* For Students with disabilities</li> <li>• Peer mediation</li> </ul>

<p><b>LEVEL 3</b></p>	<p><b>Examples of Short-Term Suspension and Referral Responses</b>          These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.</p>	
	<p>Level 3 Building Administration Options</p> <ul style="list-style-type: none"> <li>• Warning (oral or written).</li> <li>• Apology (verbal and/or written) from student to school personnel, another student and/or class.</li> <li>• Confiscation of item (e.g., electronic device).</li> <li>• Detention.</li> <li>• Suspension of privilege.</li> <li>• Student contract.</li> <li>• Parent conference, in person or by phone.</li> <li>• Conflict resolution.</li> <li>• Written referral to building administration.</li> <li>• Academic sanction (only for academic infractions).</li> <li>• Mediation with offender and victim with the support of a psychologist or social worker.</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution (paying for replacement or repair).</li> <li>• Suspension from privilege activity (athletics, extra- or co- curricular activity participation, dance, prom, graduation).</li> <li>• In-school suspension (e.g., Student Assistance Center [SAC]). * only available grades 6-12</li> <li>• Suspension from school for up to 5 days.</li> <li>• Referral to the police</li> <li>• In-school suspension (K-5)</li> <li>• Referral to substance abuse counseling</li> <li>• Referral to community organizations, including community conferencing and community mediation</li> <li>• Restorative Justice strategies, including school and community service</li> <li>• Suspension from school for up to 5 days and referral for a Superintendent’s Hearing.</li> </ul>
<p><b>LEVEL 4</b></p>	<p><b>Example of Long-Term Suspension and Referral Responses</b>          These interventions involve the removal of a student from the school environment because of the severity of the behavior or the continual disruption of the school environment. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.</p>	
	<p>Level 4 Superintendent Options</p> <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Alternative educational placement by the Central Processing Office</li> <li>• Long-term suspension</li> <li>• Functional Behavioral Assessment</li> <li>• Behavioral Intervention Plan</li> <li>• Community conferencing</li> <li>• Community mediation</li> <li>• Referral to community organizations</li> <li>• Referral to substance abuse counseling</li> <li>• Permanent Suspension (serious behavioral infractions)</li> <li>• Referral to IEP team (students with disabilities) for Manifestation Determination</li> <li>• Restorative Justice strategies, including school and community service</li> <li>• Suspension from school for more than 5 days after a Superintendent’s Hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension from school for at least one year for possession of a weapon under the Gun-Free Schools Act (subject to the right of the Superintendent of Schools to modify the penalty)</li> <li>• Placement in an interim alternative educational setting for a period of up to 45 school days; in the case of a student with a disability who carries or possesses a weapon, in the case of a student with a disability who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance or inflicts serious bodily injury to another person at school or a school function and such conduct is determined to be related to his/her disability.</li> </ul>

DASA referral – Each infraction should be reviewed and analyzed to determine if a DASA referral should be made. Please refer to page 43 for the DASA Coordinator in each building.

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school
<b>Administrator should consider whether a DASA referral should be made.</b>			

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (46) Disturbances which disrupt instruction.</b> Any continued disruption which interferes with the teaching and learning process				
All Students (K-12)	•	•		

<b>Offense: (45) Cheating</b> Cheating (including plagiarism) in any academic, extra-curricular, or co-curricular activity. One consequence could be a reduced grade, a grade of zero or similar academic consequence by the teachers				
All Students (K-12)	•	•		

<b>Offense: (44) Unauthorized use or display of beepers, cellular phones, PDAs, and other similar electronic devices</b>				
K-5 students	•	•		
6-12 students		•	•	

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (43) Unauthorized possession, use, and/or display of electronic devices</b> Unauthorized possession, use, and/or display of electronic devices including, but not limited to, lighters, boom boxes, walkman, light or laser pointers, or any item which does not have an educational purpose and is a potential threat to others or is potentially disruptive to others during the school day.				
K-5 students	•	•		
6-12 students	•	•	•	

<b>Offense: (42) Inappropriate public displays of affection.</b>				
K-5 students	•	•	•	
6-12 students	•	•	•	

<b>Offense: (41) Eating and drinking outside lunchroom</b> Eating or drinking outside of lunch periods or where prohibited.				
All Students (K-12)	•	•		

<b>Offense: (40) Tardiness</b> Tardiness to class or school.				
All Students (K-12)	•	•		

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (39) Unauthorized absence</b> Unauthorized absence from school, including cutting classes, excluding truancy.				
K-5 students	•	•		
6-12 students	•	•	•	

<b>Offense: (38) Dressing or grooming in a way that causes disruption or danger</b> Dressing or grooming in a way that causes disruption or danger, by wearing accessories including, but not limited to, rings, bracelets, chains, belts, hats, and scarves, or by wearing items of an obscene nature, or by wearing items that state or depict matters of a vulgar or offensive nature.				
K-5 students	•	•		
6-12 students	•	•	•	

<b>Offense: (37) Possession and/or use and/or sale and/or distribution of tobacco products and/or dangerous or deadly substances</b> Possession and/or use and/or sale and/or distribution of tobacco products (including e-cigarettes) and/or dangerous or deadly substances (including, but not limited to, chemicals and inhalants) at school, in school vehicles or while at school functions.				
K-5 students			•	
6-12 students			•	•

<b>Offense: (36) Repeatedly disruptive</b> Repeatedly disruptive and/or substantially interferes with the teacher’s authority in class.				
K-5 students	•	•	•	•
6-12 students	•	•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (35) Disturbances outside of the classroom</b> Disturbances outside of the classroom (e.g., lunchroom, recess).				
K-5 students	•	•	•	
6-12 students	•	•	•	•

<b>Offense: (34) Insubordination</b> The refusal to follow the reasonable directive of a person in authority or the violation of this Code of Conduct or any other building or classroom rules, including refusing to identify oneself on request. Persons in authority include, but are not limited to, administrators, teachers, teaching assistants, teacher aides, secretaries, bus drivers, monitors, including bus monitors, custodians, cafeteria workers, security, and employees.				
All Students (K-12)	•	•	•	•

<b>Offense: (33) Possession of and/or showing and/or distribution of obscene material</b>				
All Students (K-12)		•	•	•

<b>Offense: (32) Violation of computer use policy</b>				
K-5 students	•	•	•	
6-12 students	•	•	•	•



LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (31) Gambling</b>				
All Students (K-12)		•	•	•

<b>Offense: (30) Verbal altercation, abusive and/or indecent language</b> Verbal altercation, abusive and/or indecent language (including cursing or swearing) and/or indecent gestures directed at staff, students, or visitors on school grounds or at school functions.				
K-5 students	•	•	•	
6-12 students	•	•	•	•

<b>Offense: (29) Disorderly conduct</b> A person who, with intent to cause public inconvenience, annoyance, alarm, or to recklessly create a risk thereof, trespasses, obstructs, fails to disperse, or disrupts others.				
K-5 students		•	•	
6-12 students		•	•	•

<b>Offense: (28) Lewd sexual behavior</b>				
K-5 students	•	•	•	•
6-12 students	•	•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (27) Mental/Physical Endangerment</b> Any mental/physical condition which endangers the health, safety, welfare, and/or morals of students and/or others.				
All Students (K-12)			•	•

<b>Offense: (26)</b> Unauthorized use of a cam-phone, PDA, or other electronic device capable of recording and/or sending an image, taking pictures and/or video recording and/or sending images while in school, on school property, in a district vehicle, or at a school function and/or in violation of privacy rights of others in school or at school activities.				
K-5 students		•	•	
6-12 students		•	•	•

<b>Offense: (25)</b> Trespassing on any school property or school function at any time or while suspended from school.				
All Students (K-12)			•	•

<b>Offense: (24)</b> Driving recklessly, speeding, failure to follow school crossing guard’s or traffic directives on school grounds, or parking in unauthorized areas.				
All Students (K-12)			•	•

<b>Offense: (23)</b> Leaving campus without authorization.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (22) Forgery or fraud</b>				
All Students (K-12)	•	•	•	•

<b>Offense: (21) Criminal offense</b> Committing any criminal offense (misdemeanor, felony, etc.).				
All Students (K-12)			•	•

<b>Offense: (20) Any violent act</b> against a teacher, staff member, contractors, another student or person in the school, on school property, or at a school function as described in this code.				
All Students (K-12)			•	•

<b>Offense: (19) Use, Under the Influence, Possession, or Sale of Alcohol Only</b> Illegally using, under the influence, or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person and not reporting it to a teacher or administrator.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (18) Use, Under the Influence, Possession, or Sale of Drugs Only</b> Using and/or under the influence and/or possessing and/or sale and/or distribution of a controlled substance, such as marijuana, opioids, prescription medication on school property, including having such substance on a person or in a locker, vehicle, or other personal space; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.				
All Students (K-12)			•	•

<b>Offense (17): Weapons Possession Only</b> Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school. Weapons: firearm, including, but not limited to, rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun; switchblade knife, gravity knife, pilum knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; billy club, blackjack, bludgeon, chukka stick, or metal knuckles, sandbag or sandclub, sling shot or slungshot; martial arts instrument including, but not limited to, a kung fu star, ninja star, ninchuck, or shirken; an explosive including, but not limited to, a firecracker or other fireworks; a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument. For weapons under the Gun Free Schools Act, the suspension shall be for at least one year, subject to the ability of the Superintendent to reduce the suspension.				
All Students (K-12)				•

<b>Offense: (16) Riot</b> Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.				
All Students (K-12)				•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (15) False Alarm</b> Falsely activating a fire alarm or other disaster alarm				
K-5 students			•	•
6-12 students				•

<b>Offense: (14) Bomb Threat</b> A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.				
All Students (K-12)				•

<b>Offense: (13) Larceny or Other Theft Offenses</b> Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.				
All Students (K-12)			•	•

<b>Offense: (12) Criminal Mischief</b> Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.				
All Students (K-12)		•	•	•

<b>Offense: (11) Burglary</b> Entering school property with intent to commit a crime.				
All Students (K-12)			•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (10) Intimidation, Harassment, Menacing, or Bullying Behavior and Not Physical Contact</b> threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal, written or electronic means of communication or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, sex, gender, sexual orientation, age, weight or disability				
K-5 students	•	•	•	•
6-12 students		•	•	•

<b>Offense: (9) Minor Altercations</b> Involves physical contact, but no physical injury. Striking, shoving or kicking another person or subjecting another person to unwanted and/or unprovoked physical contact with the intent to harass, annoy, or alarm another person, but no physical injury results.				
All Students (K-12)		•	•	•

<b>Offense: (8) Reckless Endangerment</b> Subjecting individuals to danger by recklessly engaging in conduct that creates a substantial risk of physical injury, but not actual physical injury. Threat and/or possession and/or use and/or sale and/or distribution of a potentially dangerous object - a potentially dangerous object including, but not limited to, a motor vehicle, broken glass, explosive devices, fireworks, and any article or substance which, under the circumstances of threatened use, attempted use, or use, is readily capable of causing death or serious bodily injury on school grounds or at school functions.				
All Students (K-12)				•

<b>Offense: (7) Assault with Physical Injury</b> Intentionally or recklessly causing physical injury (not serious) to another person including, but not limited to, innocent bystanders, with or without a weapon, in violation of the District’s Code of Conduct. Physical injury means impairment of physical condition or substantial pain.				
All Students (K-12)			•	•



LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (6) Kidnapping</b> To abduct a person so as to restrain such person with intent to prevent his or her liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found; or (b) using or threatening to use deadly physical force with or without a weapon.				
All Students (K-12)				•

<b>Offense: (5) Arson</b> Deliberately starting a fire with intent to destroy property.				
All Students (K-12)				•

<b>Offense: (4) Assault with Serious Physical Injury</b> Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the District’s Code of Conduct. “Serious physical injury” means physical injury which creates a substantial risk of death, or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement.				
All Students (K-12)				•

<b>Offense: (3) Robbery</b> Forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.				
All Students (K-12)		•	•	•

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	<b>Level 2:</b> Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the student and others	<b>Level 3:</b> Short Term Suspension - may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses or more serious offenses)	<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety and welfare of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Offense: (2.2) Other Sexual Offenses</b> Involving inappropriate sexual contact but no forcible compulsion.				
All Students (K-12)		•	•	•

<b>Offense: (2.1) Forcible Sex Offense:</b> Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with or without weapons, including, but not limited to, rape and sodomy				
All Students (K-12)				•

<b>Offense (1): Homicide</b> Any conduct that results in the death of another person.				
All Students (K-12)				•

**THE PREVIOUS LISTINGS ARE NOT INTENDED TO BE ALL-INCLUSIVE. THE ADMINISTRATION RESERVES THE RIGHT TO IMPLEMENT DISCIPLINARY ACTION FOR INCIDENTS NOT SPECIFICALLY IDENTIFIED ABOVE. STUDENTS WHO ENGAGE IN BEHAVIOR DETERMINED TO BE INAPPROPRIATE AND/OR DISRUPTIVE TO THE SCHOOL ENVIRONMENT WILL BE SUBJECT TO DISCIPLINARY CONSEQUENCES.**

**THE REPEATING OF AN INCIDENT OF MISCONDUCT MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINARY CONSEQUENCE. CHRONIC REPEATING OF INCIDENTS OF MISCONDUCT MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

**LEVELS OF INTERVENTIONS AND RESPONSES**

	All Staff	Bus Drivers	Monitors/ Aides/Teaching Assistant	Coaches /Activity Sponsors	Teachers	Assistant Principal	Principal	Superintendent	Board of Education
Oral Warning / Admonition	X	X	X	X	X	X	X	X	
Written Warning		X	X	X	X	X	X	X	
Written Notification to Parent/Guardian		X	X	X	X	X	X	X	
Detention					X	X	X	X	
Suspension from Transportation						X	X	X	
Suspension from Athletic Participation				X		X	X	X	
Suspension from Social or Extracurricular Activities				X		X	X	X	
Suspension of Other Privileges						X	X	X	
In School Suspension							X	X	
Removal From Classroom					X				
Short Term Suspension							X	X	X
Long Term Suspension							X	X	X
Permanent Suspension							X	X	X

Note: These policies may not be the latest policy therefore you should refer to the district policies for latest versions.

Visit <http://newburghschools.org/page.php?page=31> for the latest policies.

## REPORTING CODE VIOLATIONS

### To School Personnel

Students, professional staff and other District personnel are encouraged to report any violation of the Code of Conduct to the Principal or, in his/her absence, the Acting Principal. Such individuals are required to report any threat of violence, including, but not limited to, bomb threats, threats to person or property, whether by oral, written, or electronic means, to the Principal or, in his/her absence, the Acting Principal. Professional staff and other District personnel shall immediately report violent students to the Principal or the Superintendent of Schools.

### To Local Law Enforcement Agencies (e.g., Police)

There are certain behaviors that will not be tolerated under any circumstances and will result in both serious consequences by school personnel and a report to the police. These behaviors include, but are not limited to, the following:

- Threatened acts of violence.
- Any acts of violence against persons that constitute a felony.
- Any other violation of this Code of Conduct that constitutes a felony.
- All other criminal offenses, e.g., theft, destruction of school property, false fire reports, arson, bomb threats; use, possession, distribution, or sale of drugs or alcohol; possession, use, distribution, or sale of a potentially dangerous or deadly object.
- Stealing or vandalism directed at the school or school personnel.

Parents/guardians will be timely notified of investigations and subsequent conclusions regarding the above named allegations.

In addition, assault on any person in authority in a school will result in criminal charges being filed by the victim with the support of the District to the fullest extent of the law.

Finally, extortion, stealing, or assault directed at another student will result in the victim and his/her parents being advised of their right to press criminal charges.

### To Human Services Agencies

The District will report any violations of this Code of Conduct which constitute a crime, when the actor is under the age of 17, to the appropriate human services agencies. When necessary, the District may complete a referral with the District's Interagency Community Based Support Team, Single Point of Access (SPOA), Merikey, or other relevant community based supports.

## GUN-FREE SCHOOLS ACT

Any student who comes onto school property (including a vehicle) or a school event whether on or off school property with a firearm, as defined under this act (see definition of "weapon" on page 3), will receive a minimum one-year suspension from school, subject to the discretion of the superintendent of schools to modify the penalty for a student if the superintendent believes that the one year or longer suspension penalty is excessive. The superintendent shall make the decision on a case-by-case basis, based upon criteria, including but not limited to:

1. The age of the student;
2. The student's grades in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s) and/or others;
6. Other extenuating circumstances.

## PROCEDURES

The School District has determined that certain acts of misconduct interfere with instruction and/or safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors. A wide range of behavior modification interventions and time honored management techniques should support students in all of the educational programs. Teacher removal of a disruptive student should only be done following application of these interventions. 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.

### **A. Removal of a Student from the Classroom**

Teachers have the authority to remove a student from their classroom whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily, in a way such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (i.e. at least two directives) with wait time unless it involves a physical altercation or the health and safety of students or staff are at risk. After a removal of a student with disabilities, a careful review of the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) (if in place) shall be conducted by Building and Exceptional Learners' Administration to ensure IEP and/or BIP are reflective of the student's present management needs and is being implemented with fidelity.

- Elementary Level Removals

A classroom teacher may remove a student for a minimum of one hour but not more than the remainder of the day, at the discretion of the teacher, upon the first event, and for an additional day upon the second or third events. For a special class (e.g., art, music, physical education), a teacher may remove a student from the classroom for the remainder of the class upon the first event, and for up to two additional class periods upon the second or third events. Upon the occurrence of a fourth event and every event thereafter in a semester, an out-of-school or in-school suspension for up to 5 school days shall occur.

- Secondary Level Removals

A teacher may remove a student for the remainder of the class upon the first event, for two days of class upon the second event, and for three days of class upon the third event. Upon the occurrence of a fourth event and every event thereafter in a semester, from any class, an out-of-school or in-school suspension for up to 5 school days shall occur.

### **B. General Provisions for Elementary and Secondary Level Removals**

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interfered with the teacher's authority over the classroom:

- The teacher must inform the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) of the reason(s) for the removal;
- Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- The Principal or administrative designee must be notified immediately or as soon as practical thereafter, but no later than the end of the school day by the teacher, in writing or electronically, using the Multi-Purpose Referral Form or online referral system, of the student's removal from the teacher's class;
- The Principal or administrative designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or administrative designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or administrative designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- The Principal or administrative designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence, or that the student's removal otherwise violates law, or that the conduct warrants suspension from school and a suspension will be imposed;
- The Principal or administrative designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period within which the informal Principal's removal conference should take place. The teacher who initiates the removal may be required to attend the Principal's conference at the Principal's discretion.

The District will take immediate steps to provide continued educational programming and activities for students who are removed from their classrooms. Educational programming will be complemented with a progressive discipline approach that aims to provide interventions to a student removed from the classroom in order to decrease the likelihood of further removals and to maintain the student within the learning environment, and positive reinforcement for improved behavior.

A system of progressive discipline uses several stages of consequence, each one being more significant than the one that comes before it. As a student moves from initial removal to subsequent removals, the disciplinary action taken by the school becomes more severe but should be accompanied with interventions and supports designed to prevent further removals. It is recognized that the best behavior management systems include both positive recognition and appropriate consequences.

Any appeal brought by the parent of or a student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools or designee, within 10 calendar days, prior to any further appeal.

### **C. Suspension Process**

The students in the Newburgh Enlarged City School District have certain rights given to them by the New York State Constitution, Education Law, the Policies of the Board of Education, and this Code of Conduct. However, a student's rights may be limited or he/she may be suspended, including permanent suspension, if he/she breaks the rules of this Code of Conduct.

Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance. Students who participate in restorative practices ending in restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the district except for suspensions resulting from four or more removals in a semester or three or more in a trimester.

A student may be suspended by the Board of Education, the Superintendent of Schools, or the Principal. When the Principal is not at the school, the Acting Principal may suspend a student.

1. Article 3(a) of Section 3214 of the Education Law states that a student may be suspended from attending school when that student is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health, or welfare of others.
2. Section 100.2(l)(2)(ii)(m) of the Commissioner's Regulations states that a student must be suspended from attending school when that student is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.
3. The student may also be suspended for breaking any of the disciplinary rules in this Code of Conduct.

#### **1. Pre-Suspension Process**

Before a student can be suspended, the Principal or designee must talk to the student and explain why he/she is being suspended. The student will be given the chance to explain his/her side of the story. The student also has the right to have anyone else who can support his/her story talk to the person investigating the facts. If the student's presence in school poses a continuing danger to other people or property or an ongoing threat of disruption to the academic process, this meeting will occur as soon as possible following the suspension.

#### **2. The Short-Term Suspension Process**

A short-term suspension will last from 1 to 5 school days, and can only be imposed by the Principal, or the Acting Principal when the Principal is not in the school.

Prior to and within 24 hours of the decision to propose a short-term suspension, the student and his/her parent will receive a letter describing what happened to cause the suspension. The letter will also tell the parent that they can ask for an informal conference with the Principal as soon as possible, at which meeting all the evidence relied on, including witnesses, may be questioned by the parent. Where these witnesses are students, parental consent for a student to serve as a witness must be obtained. The right to an informal conference also applies to any student who is 18 years old or older. Whenever possible, the parent will also receive a phone call explaining the suspension.

The conference will be held in the main language that the parent uses. If the parent communicates through signs or other means, the meeting will also be conducted through those means.

If the student's presence in school poses a continuing danger to other people or property or presents an ongoing threat of disruption to the academic process, the notice and opportunity for the informal conference shall take place as soon after the suspension as is reasonably possible. In addition to the short-term suspension, the student may be referred for the long-term suspension process described in section 3, below.

Any appeal brought by the parent of or a student over the age of 18 of a short-term suspension must be presented to the Superintendent of Schools within 10 calendar days prior to filing any further appeal.

#### **3. The Long-Term Suspension Process**

Any suspension for more than 5 days is considered a long-term suspension. Unless there is a written agreement between the person requesting the suspension and the parent, a long-term suspension may be imposed only after the Superintendent of Schools or the Board of Education, or the Superintendent or Board's designee, has conducted a hearing. The Superintendent of Schools or the Board



of Education may appoint a Hearing Officer to determine the facts with respect to the charges. He/she may also recommend the penalty that the student should receive from the penalties described in this Code of Conduct.

#### **4. Re-entry Conference**

A re-entry conference with the Principal or Designee, the parent, and the student, is strongly suggested after a short-term or long-term suspension, prior to the student's return to school. While, parents are strongly encouraged to attend a re-entry conference, the student will be required to participate prior to returning back to school to ensure a plan for successful transition back to school is in place.

#### **5. Hearing Procedures**

The following procedures apply to the long-term suspension process:

##### **Notice of Hearing**

If the student being suspended is younger than 18 years old, the notice of suspension will be mailed or delivered to his/her parent. The notice will tell the parent of the date, time, and place of the hearing, at least 48 hours before the hearing is scheduled. The letter will tell them of the facts of the charge offense (charge[s]), so that they may prepare a proper argument for the student.

If the student is 18 years old or older, the letter described above and any other notices will be mailed to the student as well as his/her parent. Emancipated minors will also have this same right to be notified.

All notices of long-term suspension will tell the student or his/her parents that they have the following rights:

1. To have an attorney or other counsel present.
2. To receive an exact copy of the hearing (either a tape recording or a printed copy).
3. To present witnesses to support his/her defense.

##### **The Long-Term Suspension Hearing**

If the suspension was imposed by the Principal, Acting Principal, or the Superintendent of Schools, the hearing will be conducted by either the Superintendent of Schools or a Hearing Officer. If the suspension was ordered by the Board of Education, the hearing will be conducted by either the Board of Education or a Hearing Officer.

At the beginning of the hearing, the student and his/her representative(s) will be told the following:

1. The District and the student or his/her representative will have the right to examine the evidence and question witnesses.
2. The student does not have to incriminate himself/herself, but if he/she testifies, he/she may be cross-examined.
3. The District must prove the charges using the evidence against the student.
4. A record of the hearing will be kept and the student's representatives can ask for a copy of it.
5. The student's representative can ask that the hearing be either private or open to the public.

The Hearing Officer will inform everyone involved of the following procedures:

1. The District will start by presenting witnesses against the student.
2. The student or student's representative may ask questions of (cross-examine) the witnesses.
3. The student will then be able to present witnesses to support his/her story. The District can then question the student's witnesses.

After the witnesses are heard, both the District and the student will be able to tell the Hearing Officer why the charges should be dropped or upheld. The Hearing Officer will decide which facts are true.

If one or more of the charges against the student are upheld, the Hearing Officer will ask both parties what they think the appropriate punishment should be. Both parties will be provided with an opportunity to put forth their recommendation for punishment. If the student's past discipline record has been presented to the parents and student (if he/she is 18 years old or older or an emancipated minor) at least 48 hours before the hearing, the Hearing Officer can use this record to help decide on a penalty. If any of the incidents in the record are denied by the student, the District will need to prove them as well.

When the penalty phase of the hearing ends, the Hearing Officer will explain the facts as he/she sees them, along with the penalty recommendation, to the appointing authority. \*\*Should be given at the hearing or within 24 hours.

The Superintendent of Schools or Board of Education, depending on who selected the Hearing Officer, will explain what it determines to be the facts and determine the punishment after reviewing the Hearing Officer's recommendations. If no Hearing Officer is appointed, the Superintendent of Schools or Board of Education, depending upon who ordered the suspension, shall make the decision regarding the facts and punishment. The student and his/her representative will then be notified of the decision.

The hearing process, including the findings of fact and penalty determination, will be concluded within the five school-day period from the student's suspension; however, if the representative of the student requests a delay, the student may be required to remain out of school until the hearing process is completed.

#### **6. Alternative Instruction**

The Education Law provides that a student of compulsory education age who is suspended from school shall receive some form of alternative instruction, which is to be arranged for with immediacy giving due regard for the nature and circumstances of each particular case. One type of alternative instruction is tutoring, which may be provided in the home or another reasonable setting. The Education Law further provides that such instruction must be reasonably equivalent to that which the student would receive in his/her regular classes.

#### **7. Appeals Process**

Any decision of the Superintendent of Schools with respect to a student's long-term suspension can be appealed to the Board of Education within 30 calendar days of the Superintendent's determination. The Board will review the record of the hearing, including all the testimony and evidence, and any written statement submitted in support of the appeal. Neither side may be present at the appeals process, nor may either side present any new information or arguments to the Board during the appeal.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's early return to school or suspension revocation upon: (1) a student's voluntary participation in counseling or (2) voluntary participation in special classes, such as those addressing anger management or dispute resolution.

If the Board of Education or its own designated Hearing Officer conducted the original hearing, or if the student or his/her representative disagrees with the Board's decision, then the student or his/her parents may make an appeal either to the Commissioner of Education or in Court.

#### **D. Discipline of Students with Disabilities**

A principal may suspend a student with an educational disability for a short-term (5 school days or less) in the same manner as non-disabled students may be suspended. A principal's designation of an Interim Alternative Educational Setting (IAES) must be made in consultation with the student's special education teacher.

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability or meets the "suspected of having a disability" standard, the District will first proceed to conduct a §3214 long-term disciplinary proceeding for any suspension of more than 5 days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

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

#### **Section 504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("Section 504")/Title II of the Americans with Disabilities Act ("ADA"), the Section 504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, *no* additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the Section 504 team.
3. Students with a recognized Section 504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol, who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

#### **IDEA Disability**

For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 school days or less, if it has been determined that a suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

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

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

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

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

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

### **Manifestation Determinations**

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

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

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

If either of the aforementioned criteria listed as "1" and "2" above is answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.3 and §201.4(d)(2)(a).

A meeting for the sole purpose of making a manifestation determination does not require 5 calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the 5-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### **Discipline of Students with Disabilities when the Manifestation Team Has Made an "Affirmative Manifestation Finding"**

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

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or 18-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR §201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

### **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly

possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.” While a pocket knife with a blade of less than 2 1/2 inches in length is not a weapon for purposes of Commissioner’s Regulation §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.
2. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term “serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his/her last agreed upon placement. An impartial hearing officer may order the placement of the student in an IAES for up to 45 school days in accordance with 8 NYCRR §201.8 and §201.11.

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

### **Discipline of Students with Disabilities when the Manifestation Team has made a “No Manifestation Finding”**

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

### **Pendency Placement**

An IAES shall be deemed the student’s “stay put” placement for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not “presumed to have a disability”, and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing, and/or 5) the appropriateness of an IAES program in a dangerousness hearing, and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

**Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

**E. Student Searches**

It is the responsibility of the student to cooperate fully with any lawful investigation by authorized persons on school property. A student's consent to search will be obtained if at all possible, unless it involves a search of the student's locker, desk, school provided computer accounts or other storage area which is joint property of the District for which there is no expectation of privacy. Every Principal, Assistant Principal or authorized security officer of a school may conduct a reasonable search of a student on school premises, at school activities and the physical plant of the school and everything therein if he/she has probable cause (reasonable individualized suspicion) to believe that the student has in his/her possession contraband or other matter that would constitute a violation of the Code of Conduct and in accordance with district policy 5771. Such non-consensual searches must be reasonable in scope at the point of inception and not unduly obtrusive if the suspected contraband does not constitute an immediate danger to the students and/or others. Strip searches shall only occur with the prior review of the Superintendent of Schools and school attorneys in such cases where there is potential for imminent danger.

**F. Off-Campus Misconduct**

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities, to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupt the operation of the school) or constitute an endangerment to the health, safety, welfare, or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educational process (i.e. student-student, student-personnel interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities). (See also Computer and Internet Use at H. below).

**G. Dress and Grooming**

Students are expected to dress and groom themselves in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, and home and careers skills classes.

The following are considered to be inappropriate dress, grooming, and appearance and are prohibited in school or at school functions:

1. Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others, heely sneakers);
2. Any dress or appearance which is vulgar, lewd, obscene, or indecent or profane, or which exposes to sight the private parts of the body;
3. T-shirts with a phallic symbol and messages consisting of sexual metaphors;(see-through garments, extremely plunging necklines or waistlines);
4. Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
5. Any dress or appearance which advocates or encourages other illegal or violent activities;
6. Any dress or appearance which advocates harassment or discrimination or denigrates others based upon actual or perceived race, color, creed, weight, religion, religious practice, national origin, ethnic group, gender, sexual orientation, or disability;
7. The wearing of hats, headbands, or other headdress, for they are a sign of disrespect (unless worn for religious or medical reasons);
8. Any dress or appearance which constitutes a disruption to the educational process.

A dress code for employees is a mandatory subject of collective bargaining and, as such, may not be imposed upon employees who are members of unions without negotiations. Nevertheless, employees are responsible to ensure that their dress is safe and appropriate, and does not disrupt or interfere with the educational process.

**H. Computer and Internet Use**

The following prohibited use of District technology, including but not limited to, computers, computer drives, network facilities, the Internet, and Internet links, may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or other electronic or digital or mobile communications created by a student or another individual at a student's request, which originates from the school premises or which is received at the school premises which:
  - a. is lewd, vulgar, obscene, indecent, or inappropriate for student recipients of certain ages;
  - b. conveys a threat of violence, including sexual violence, to a specific individual or individuals or to the District;
  - c. constitutes a State and/or Federal crime;



- d. is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - e. attributes the text of the e-mail, digital communication, text messages, etc., to school officials or implies that the text is school-endorsed, unless there is such an official endorsement or consent from school officials.
2. Technology and Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
  3. Technology and/or Internet use that is not school-related or is unauthorized.
  4. Permitting the use of a student's computer log-in credential by any other person (such student shall assume responsibility for occurrences in violation of this Code of Conduct that occur under the student's log-in credential).
  5. E-mails or electronic, digital, or mobile communications created by a student or another individual at a student's request, which originate from an off-campus computer or other electronic/digital device or site and which are received at the school premises or by one or more District students, parents, or staff members at their homes or other off-campus sites, which convey threats of violence, including sexual violence, or other sexually charged electronic communication to a specific individual or individuals or to the District, may give rise to disciplinary action against such student.

To view the Board of Education's policy on computer network system use visit <http://newburghschools.org/page.php?page=31>

### **I. Suspension from Transportation Service**

The Board of Education provides transportation for students in accordance with law and expects that student behavior on school buses shall be consistent with the behavior expected within the schools. Transportation is a privilege and the failure of students to behave appropriately on the school bus constitutes grounds for suspension of that privilege.

Students may be suspended from transportation service for an infraction or infractions listed herein upon the conducting of an informal meeting by the Superintendent of Schools or his/her administrative designee, at which time the student's parent/guardian or other representative shall be allowed to question the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal meeting is conducted before the Superintendent's administrative designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

The following guidelines serve as a reference for determining consequences administered by the building level administrator based on levels and frequency of infractions. These consequences might include assignment of a bus seat near the bus driver and suspension of bus privileges, in addition to other consequences listed in this Code of Conduct. The safety of all students is the primary concern of the District. All students have an individual responsibility to help ensure a safe environment on the bus.

### **Expectations of Students**

The following general rules are applicable to all students being transported to and/or from school, extracurricular events, and field trips.

1. Students will follow instructions of the bus driver.
2. Students will look both ways before crossing and wait for the driver's universal hand signal before crossing in front of the bus.
3. Students will behave in a safe and orderly manner boarding and departing the bus and while on the bus.
4. Students will remain in their seats while the bus is in motion.
5. Students will not be allowed to eat or drink on the bus.
6. Students will keep their head, hands, and feet inside the bus.
7. Students will not open or use emergency exits.
8. Students will refrain from using lewd, abusive, vulgar or profane language, or indecent gestures on the school bus.
9. Students will not throw objects on the bus or out of the windows of the bus.
10. Students will be responsible for their belongings and will respect the belongings of others.
11. Large objects, such as musical instruments, skis, skateboards, school projects, will not be allowed on school buses.
12. There will be no distribution of written materials on school buses.

### **Disciplinary Infractions and Procedures**

1. Level 1 Infractions
  - a. Loud or inappropriate language.
  - b. Eating or drinking on the bus.
  - c. Name-calling/teasing other students.
  - d. Changing seats or standing while the bus is in motion.
  - e. Littering on the bus.

2. Level 1 Procedures
  - a. Bus driver will instruct the student to stop the inappropriate behavior.
  - b. Bus driver will warn the student that written referral will result if behavior continues.
  - c. Bus driver will inform the student that a bus referral will be written and prepare a referral for submittal to the designated building administrator.
  
3. Level 2 Infractions (Behaviors which diminish the driver's authority or could potentially result in a threat to the safety of the students on the school bus).
  - a. Disturbing other students or the driver.
  - b. Abusive language.
  - c. Rude behavior.
  - d. Inappropriate public display of affection.
  - e. Verbal altercation with another student or the driver.
  - f. Continually moving around while the bus is in motion.
  - g. Use of cell phones, radios, or other devices that might distract the driver.
  - h. Minor vandalism/damage to bus (e.g., writing on seats).
  - i. Refusal to follow driver's instructions.
  
4. Level 2 Procedures
  - a. Bus driver will instruct the student to stop the inappropriate behavior and inform the student that a bus referral will be written if the behavior continues.
  - b. Bus driver will prepare a referral for submittal to the designated building administrator.
  - c. building administrator.
  
5. Level 3 Infractions (Behaviors which may result in a threat to the health and safety of other students or the bus driver or attendant).
  - a. Sexual harassment.
  - b. Possession of a weapon.
  - c. Assault.
  - d. Fighting.
  - e. Opening emergency exits.
  - f. Throwing objects on the bus.
  - g. Serious vandalism.
  - h. Smoking or igniting objects.
  - i. Threat of violence to other student(s) or driver/attendant.
  - j. Bullying other students.
  - k. Sticking head, hands, or feet out of windows.
  - l. Tampering with bus radio or safety equipment.
  - m. Use of laser or light pointer.
  - n. Possessing, using, distributing, or soliciting illegal substances (including, but not limited to, drugs, alcohol, or tobacco).
  - o. Initiating physical contact with driver or students.
  
6. Level 3 Procedures
  - a. Bus driver will instruct the student to immediately stop the inappropriate behavior or, if appropriate, request assistance from dispatch via two-way radio. Assistance may be requested from the building administrator and/or police.
  - b. Bus driver will pull the bus over if required to maintain order until assistance arrives.
  - c. Bus driver will prepare a bus referral for submittal to the designated building administrator.

Repeated instances of misconduct may lead to the imposition of the next level of consequence. Chronic repeating of incidents of misconduct will result in the suspension of transportation privileges.

Where suspending a student from District transportation amounts to a suspension from school, arrangements will be made for alternative education.

#### **J. Suspension from Extra-curricular and Co-curricular Activities and School Functions**

A student may be suspended by an administrator or their coach from participating in extra-curricular or co-curricular activities (including sports) for an infraction of any of the provisions of this Code of Conduct, for violating a code of conduct issued to

participants in the activity by the activity supervisor, for poor attendance in school, for academic deficiencies, or for fighting at games/activities. (See Comprehensive Attendance Policy attached as Appendix A at page 46 and Board Policy 5441, Appendix B, at page 51).

Additional rules and regulations for athletes can be found in the Student Athletic Handbook, each Coach's Rules and Regulations related to the specific sport and each advisor's Rules and Regulations related to the specific activity. These are contained in the seasonal sports folders pertaining to that particular sport and team or in information provided to students at the start of an extra-curricular or co-curricular activity.

Upon the request of the student's parent, the Principal shall allow the parent or other representative of the student the right to appear before him/her, informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities (including sports practices and/or games), nor in any other school events or activities which take place on the days of suspension (including intervening weekends). In addition, the student will not be allowed on school or district grounds or at any school- or district-sponsored activities or functions for the duration of the suspension. If there is a disciplinary action pending against a student, this might have an impact on the student's participation in graduation ceremonies and other school-sponsored activities including, but not limited to, senior trip and prom.

### **CODE OF CONDUCT FOR THE PUBLIC ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with, or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

### **PROHIBITED CONDUCT**

No person, either singly or in concert with others, shall:

- Willfully cause physical injury to any other person, or threaten to do so;
- intimidate, harass, or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, gender, age, marital status, sexual orientation, or disability;
- Physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- Willfully damage or destroy property of the District or under its jurisdiction (including the personal property of a district employee or any person lawfully on school property [including vandalism, graffiti, or arson]), or remove or use such property without authorization;
- Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty, or staff member;
- Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- Without authorization, remain in any building or facility after it is normally closed;
- Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty, or staff member, or member of the Board of Education;
- Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs or activities, lectures, and meetings;
- Deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- Knowingly have in his/her possession upon any premises to which these rules apply any rifle, shotgun, pistol, revolver, or other firearm or weapon, without written authorization of the Superintendent of Schools or designee, whether or not a license to possess the same has been issued to such person;
- Drive recklessly, speed, or fail to follow school crossing guard or traffic directions on school grounds, or park in unauthorized areas;
- Use or distribute any tobacco or tobacco-related products;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;



- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids) or be under the influence of any such items on school property or at a school function;
- Loiter on or about school property;
- Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
- Refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function; and/or
- Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

### **PENALTIES AND PROCEDURES**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave.
- the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If a trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the District's Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with the law and any applicable collectively negotiated agreement.

### **ENFORCEMENT PROGRAM**

The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent of Schools or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make a reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct are in violation of these rules.

In any case where the violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent of Schools or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action herein before provided.

The Superintendent of Schools or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This Code of Conduct and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any Federal or State law or local ordinance and the imposition of a fine or penalty provided for therein.

### **RESTORATIVE PRACTICES**

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

Restorative Practices are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaning reparation and improving the relationship between parties.

A restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

### TYPES OF RESTORATIVE PRACTICES

**Circle Process:** Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest natural resource in creating and sustaining a safe and supportive school environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Relationships.** The way in which two or more people regard and behave toward each other.
- **Responsibility.** An obligation to behave in accordance with social norms and being held accountable for one's actions.
- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.
- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another
- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities. When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. A circle can also be used in response to a particular issue that affects the school community.
- **Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.
- **Peer Mediation:** An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.
- **Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with or in lieu a disciplinary response depending on circumstances (e.g., a student participates in a formal restorative conference in conjunction with a principal or superintendent suspension).

## Section 4 – Rights and Responsibility of the School Community

### DIGNITY FOR ALL STUDENTS ACT

**The Dignity for All Students Act (Dignity Act)** ensures that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and continued at school.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as “cyber-bullying.”

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all District students have the right to:

1. Expect a school environment that is conducive to learning
2. Be treated respectfully by those in the school community
3. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability (consistent with the District’s Anti-Harassment Policy)
4. Be provided with school rules, and when necessary, receive an explanation of those rules from school personnel
5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty, in connection with the imposition of the penalty

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DASA Bullying Prevention Coordinators for the 2022-23 SY	DASA Coordinators for the 2022-23 SY
<b>Balmville-</b> TBD, 845 563-8550 <b>Fostertown-</b> Carrie Frost, 845 568-6425 <b>Gardnertown-</b> Amy Pittari, 845568-6400 <b>GAMS-</b> Patricia Lofaro, 845 563-8450 <b>Heritage-</b> Victor Cobo, 845 563-3750 <b>Horizons-</b> Carina St. Louis, 845 563-3725 <b>Meadow Hill-</b> Amy Weigel, Kalie Santana, Patrice Douglas, 845 568-6600 <b>New Windsor-</b> Kelli Caci, Jason Michalek, 845 563-3700 <b>NFA Main-</b> Deanna Peralta, Chris Fasset, Ada Campbell, Jaime Diaz, Alicia Smith, Megan Schneider, Norma Norat, Sherida Moore, 845 563-5400 <b>NFA N-</b> Roxanne Lang, 845 563-8400 <b>NFA W-</b> Melissa Siegel, 845 568-6560 <b>South-</b> Crystal Santos, Roberta Taylor, 845 563-3700 <b>Temple Hill-</b> Jennifer Arroyo, 845 568-6450 <b>Vails Gate S.T.E.A.M.-</b> Sheena Matthews, Sharol Whyte-Davis, 845 563-7900	<b>Balmville -</b> Concetta Cracolici, 845 563-8550 <b>Fostertown -</b> Shaneequa Cameron, 845 568-6425 <b>Gardnertown -</b> Danny Dottin, 845 568-6400 <b>GAMS -</b> Rosalia Perez, 845 563-8450 <b>Heritage -</b> All Assistant Principals, 845 563-3750 <b>Horizons -</b> Karriem Bunce, 845 563-3725 <b>Meadow Hill -</b> All Assistant Principals, 845 568-6600 <b>New Windsor -</b> Chris Lee, 845 563-3700 <b>NFA Main -</b> All Assistant Principals, 845 563-5400 <b>NFA N -</b> All Assistant Principals, 845 563-8400 <b>NFA W -</b> Ebony Clark, 845 568-6560 <b>South -</b> All Assistant Principals, 845 563-3700 <b>Temple Hill -</b> All Assistant Principals, 845 568-6450 <b>Vails Gate -</b> S.T.E.A.M. Eileen Cruz, 845 563-7900

#### Addressing Bullying and Bias-Based Behavior

Each school is expected to promote a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff, providing all students with a supportive and safe environment in which to grow and thrive academically and socially. The ability of students to learn and meet high academic standards and a school’s ability to educate its students are compromised when students engage in discrimination or harassment, bullying, or intimidating behavior toward other students.

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school’s responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur.

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, guidance counselors, students, and parents—needs to understand what bullying is and the DOE rules that prohibit such behavior.

Clarifying school-wide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looking) are vitally important to helping students play a pivotal role in bullying prevention.

Integral to preventing student-to-student bullying and/or bias-based behavior is effective social-emotional learning that helps students develop social-emotional core competencies. These fundamental life skills are: recognizing and managing their own emotions,

developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically.

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment of any kind. To help students learn how to be allies, the DOE offers teachers and counselors training in using the curriculum module *Fostering Respect for All: Empowering Students to Move from Bystanders to Allies* as well as other *Respect for All* professional development opportunities.

### **What is Bullying?**

Bullying is behavior that is intended to cause some kind of harm. The person doing the bullying purposely says or does something to hurt the target of his/her behavior.

Bullying behavior always involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted. It is a pattern of behavior usually repeated over time and can take many forms.

Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group). The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done.

### **Bullying Is NOT Conflict.**

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do.

Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: “They were butting heads”; “They were going back and forth at each other”; “It was ‘he said/she said.’” In these cases, both people are equally “telling their side of the story.”

In a conflict people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people’s emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret.

People engaged in a conflict want the issue to be resolved. The “back and forth” that occurs is each person trying to make the case for what s/he wants. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

## **DISSEMINATION OF CODE OF CONDUCT**

The Board of Education and Superintendent 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. Sending 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 access to or 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 access to or 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 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 of Education no later than 30 days after adoption.

## STUDENT RIGHTS AND RESPONSIBILITIES

### Students have the right to

1. To attend school in the district in which one's legal parent or legal guardian resided and receive a free and appropriate public education from age 5 to 21, as provided by law
2. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly
3. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff
4. To express one's opinions verbally or in writing in a way that is not in violation of the rights of others or disruptive to the educational process
5. To dress in such a way as to express one's personality, consistent with the requirements of the Dress Code.
6. To be afforded equal and appropriate educational opportunities
7. To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practices, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age marital status, or disability
8. 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
9. 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

### Students have the responsibility to

1. To attend school daily, regularly and on time, perform assignments, strive to do the highest quality work possible, be prepared to learn, and be granted the opportunity to receive a good education
2. To be aware of all rules and expectations regulating student's behavior and conduct themselves in accordance with these guidelines
3. To respect everyone in the school community and to treat others in the manner that one would want to be treated
4. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the right and privileges of others
5. 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
6. To be aware of available educational programs in order to use and develop one's capabilities to their maximum
7. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others
8. To be aware of the information and services and to seek assistance in dealing with personal problems, when appropriate
9. 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

## PARENT AND GUARDIAN RIGHTS AND RESPONSIBILITIES

### Parents and guardians have the right to

1. Be actively involved in their children's education
2. Be treated courteously, fairly and respectfully by all school staff and principals
3. Get information about the policies of the Newburgh Board of Education and procedures that relate to their children's education
4. Get regular reports, written or oral, from school staff regarding their children's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences
5. Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by principals or school staff
6. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals
7. Receive information from school staff about ways to improve their children's academic or behavioral progress, including but not limited to counseling, tutoring, after school programs, academic programs, and mental health services within Newburgh Enlarged Schools District.
8. Receive information about services for students with disabilities and English language learners, when applicable
9. Receive communication through provided translators

### Parents and guardians have the responsibility to

1. Make sure their children attend school regularly and on time and, when children are absent, let schools know why



2. Tell school officials about any concerns or complaints in a respectful and timely manner
3. Be open to active participation in resolving conflicts through a restorative process
4. Work with principals and school staff to address any academic or behavioral problems their children may experience
5. Support Newburgh Schools by being a role model for their children, talking with their children about school and expected behavior
6. Read and become familiar with the policies of the Board of Education, administrative regulations and the *Code of Conduct*
7. Give updated contact information to Newburgh Enlarged City School District and their children's individual school
8. Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework
9. Be respectful and courteous to staff, other parents, guardians and students while on school premises
10. 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 Student Act.

## PRINCIPAL, FACULTY, AND STAFF RIGHTS AND RESPONSIBILITIES

### Principals, Faculty, and Staff have the right to

1. Work in a safe and orderly environment
2. Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff
3. Communicate concerns, suggestions and complaints to the Newburgh Enlarged City School district office
4. Receive supportive professional development and training
5. Receive the necessary resources to deliver quality instruction
6. Modify instruction, if consistent with the policies of the Newburgh Enlarged City School District's Board of Education and with system regulations

### Principals, Faculty, and Staff have the responsibility to

1. Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every day
2. Maintain safe and orderly schools by using prevention and intervention strategies, and by following the Newburgh Enlarged City School District's *Conduct of Conduct*
3. Be respectful and courteous to students, parents and guardians, serving as role models for students
4. Be open to active participation in resolving conflicts through a restorative process
5. Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently
6. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities
7. Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner and in a language they understand
8. Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary
9. Keep parents and guardians informed of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand
10. Provide makeup work for students with lawful absences, including those students who are absent for disciplinary reasons
11. Participate in required professional development opportunities
12. 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
13. 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
14. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
15. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel, or other staff, to the principal, in a timely manner
16. Principals: Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the District Dignity Act Coordinator (DAC).

## DISTRICT ADMINISTRATOR RESPONSIBILITIES

### **Newburgh Enlarged City School Superintendent have the responsibility to**

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

### **Newburgh Enlarged City School District Administrators have the responsibility to**

1. Implement policies and procedures that encourage safe and orderly schools for all students, school staff and principals
2. Protect the legal rights of school staff, principals, students and parents or guardians
3. Be open to active participation in resolving conflicts through a restorative process
4. Be courteous, respectful and fair with students, parents or guardians, school staff and principals
5. Provide a broad-based and varied curriculum to meet individual school needs
6. Inform the community, students, parents or guardians, school staff and principals about policies of the Board of Education
7. Ensure the protection of legal rights of students with disabilities
8. Provide staff who are trained to meet the needs of students
9. Provide support and professional development training to principals and school staff to help them support students
10. Support principal and school staff in the fulfillment of their disciplinary responsibilities as defined by Newburgh Enlarged City School District
11. Contact and involve parents or guardians on disciplinary issues

## BOARD OF EDUCATION RESPONSIBILITIES

### **The Board of Education has the responsibility to**

1. Collaborate with students, teachers, administrator and parent organizations, school safety personnel, other school personnel and the community to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and other persons on school property and at school functions
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation
3. Create policies and procedures that encourage safe and orderly schools for all students, school staff and principals.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner. It is further expected that, the Board of Education will take appropriate measures where violations of the Code of Conduct occurs

**APPENDIX A – BOARD POLICIES**

To view the latest board policies, including those policies referenced in this document visit <http://newburghschools.org/page.php?page=31> or you can request a copy of a board policy by visiting the Newburgh Enlarged City School District at 124 Grand Street, Newburgh, NY 12550



## APPENDIX B - DEFINITIONS

For the purposes of this Code of Conduct, the following definitions apply:

**Bullying** - means any overt acts by a student or a group of students, or an employee, directed against a student with the intent to ridicule, humiliate or intimidate the student while on school grounds or at a school-sponsored activity, which acts are repeated against the same student over time.

**Classroom** - a room or place in which classes are conducted.

**Cyber Bullying** - is the act of a student tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting another student using the Internet, interactive and digital technologies, and/or mobile phones.

**Defamation** - demeaning or harming the reputation of a person or group of persons, including making false representations or derogatory conclusions about a person or group, and may include slurs, epithets, or inappropriate language.

**Discrimination** - is the intimidation or unfair treatment against any person on the basis of actual, or perceived, physical characteristics, race, creed, color, national origin, religion, gender, age, marital status, sexual orientation, or disability. This is not an all-inclusive list.

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

**Gender** – actual or perceived sex, and includes a person's gender identity or expression.

- **Gender Expression** – the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
- **Gender Identity** – one's self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**Harassment** - shall mean 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 well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; 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.

**Hazing** - includes any intentional or reckless acts directed at an individual or group for the purpose of initiation, affiliation, or maintenance of membership in any school-sponsored club, team, organization, or activity. Hazing activities produce mental or physical discomfort, embarrassment, or humiliation.

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

**Removal** - the act of a teacher in discontinuing the presence of a student in his/her classroom for being disruptive or interfering with the teacher's authority over the class.

**Restorative Practices** – are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaning reparation and improving the relationship between parties.

**School Property** – 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 §142 of the New York State Vehicle and Traffic Law.

**School Function** - any school-sponsored extra-curricular, co-curricular, or other, event or activity, whether on or off of school property.

**Sexual Harassment** - unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature.

**Sexual Orientation** – actual or perceived heterosexuality, homosexuality, or bisexuality.

**Suspension** - the act of a Principal (or Acting Principal), Superintendent of Schools, District Superintendent, or Board of Education, in discontinuing the presence of a student from his/her regular classes.

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so;
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so;
- possesses, while on school property or at a school function, a weapon;
- displays, while on school property or at a school function, what appears to be a weapon;
- threatens, while on school property or at a school function, to use a weapon;
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;
- knowingly and intentionally damages or destroys District property.

**Weapon**

A firearm, as defined in the Gun-Free Schools Act (18 USC §921), including:

- a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
- the frame or receiver of such firearm;<sup>4</sup>
- any firearm muffler or silencer;
- any destructive device, including:
  - any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having any explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
  - any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
  - any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

A weapon also includes any other gun (real, imitation, or look-alike), BB gun, paint ball gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, pocket knife, switch-blade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, paint ball 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. “Weapon” shall also include any other instrumentality or device defined as a “weapon” under any provision of the New York State Penal Law, or under the U.S. Code.

Objects not normally considered to be weapons (e.g., scissors, pens, pencils, padlocks, trays, utensils, books, etc.) may nonetheless be used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Discipline for the use of an instrument used as a weapon may, in the discretion of the Superintendent or designee, coincide with, but not be limited to, the suspension periods governing weapons.

**APPENDIX C – DIGITAL ETIQUETTE EXPECTATIONS****DIGITAL ETIQUETTE**

All Newburgh Enlarged City School District (NECSD) students must adhere to the expectations set forth in the District Code of Conduct whether attending school in-person or online. To ensure that all NECSD students understand the expectations in a virtual classroom environment, this addendum to the Code of Conduct includes new guidance they are required to follow. This Digital Etiquette addendum addresses student interaction with NECSD teachers, staff, and students, as well as their own actions. The behavioral expectations listed below apply to the virtual classroom and synchronous live sessions.

**1. Academic Dishonesty (Plagiarism, Cheating and/or Copyright)**

- a. *Plagiarism is the act of representing another's ideas, words, expressions, or data in writing or presentation without properly acknowledging the source.*
  1. Copying word for word from a printed or electronic source without proper citation.
  2. Submitting a purchased or downloaded paper or other materials to satisfy a course requirement.
- b. *Cheating includes but is not limited to:*
  1. Copying another student's work and then submitting it as their own work.
  2. Submitting work through the use of another person's password/login is considered dishonest behavior and is in violation of the District's Acceptable Use Policy. Any assignments, work, or projects posted while using another student's login will be considered plagiarism.
  3. Performing work or taking an examination for another student OR having another person perform work or take an examination for you.
- c. *Illegally posting, distributing, uploading, or downloading copyrighted work (whether music, video, words, images, drawings, pictures, software, or otherwise).*

**2. Cyberbullying and/or Harassment (See DASA Policy, 0115)**

- a. Sending or posting discriminatory, harassing, demeaning or threatening messages or images.
- b. Sending or posting messages that defame or slander other individuals.
- c. Engaging in harassment based on a student's membership in a protected class (race, color, religion, national origin, sex, sexual orientation, gender identity/expression (including transgender status), age, or disability).
- d. Expressing a threat orally, in writing, or by gesture with the intent to do physical harm to others.

**3. Disruptive and/or Disrespectful Virtual Classroom Behavior**

- a. Conduct or behavior which interferes with or disrupts the teaching and learning process.
- b. Use of memes or icons that are vulgar, obscene, encourage violence or other illegal activity.
- c. Refusing to follow the rules of the specific virtual classroom.
- d. Unmuting yourself when your teacher has placed you on mute without permission.
- e. Inappropriate use of discussion forums or synchronous chat rooms.
- f. Encouraging any criminal or other illegal activity (including, but not limited to, the unlawful use, possession, manufacture, sale or other distribution of tobacco, drugs, or alcohol, an act of discrimination or violence against another) through words in a posting or discussion.

**4. Dress Code**

- a. The Dress Code provisions in the Code of Conduct applies to students attending virtually.
- b. Dressing or grooming in a way that causes disruption is not allowed (ie: suggestive, provocative, or excessively tight clothing, items of an obscene nature, or items that state or depict matters of a vulgar or offensive nature or that encourages violence or illegal activity) during instructional activities.

**5. Electronic Device Misuse**

- a. Recording any class session without specific authorization from the teacher and transmitting any recording without authorization from the teacher.
- b. Recording your teacher and/or classmates.

**DIGITAL ETIQUETTE**

<b>ACADEMIC DISHONESTY (45)</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<p>Plagiarism is the act of representing another's ideas, words, expressions, or data in writing or presentation without properly acknowledging the source.</p> <ul style="list-style-type: none"> <li>• Copying word for word from a printed or electronic source without proper citation.</li> <li>• Submitting a purchased or downloaded paper or other materials to satisfy a course requirement.</li> </ul> <p>Cheating includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Copying another student's work and then submitting it as his or her own work.</li> <li>• Submitting work through the use of another person's password/login is considered dishonest behavior and is in violation of the District's Acceptable Use Policy. Any assignments, work, or projects posted while using another student's login will be considered plagiarism.</li> <li>• Performing work or taking an examination for another student OR having another person perform work or take an examination for you.</li> </ul> <p>Illegally posting, distributing, uploading, or downloading copyrighted work (whether music, video, words, images, drawings, pictures, software, or otherwise).</p> <p><i>*One consequence could be a reduced grade, a grade of zero or similar academic consequence by the teacher.</i></p>				
K-12 students	●	●		

<b>CYBER-BULLYING AND/OR HARASSMENT (10)</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<p>Sending or posting discriminatory, harassing, demeaning or threatening messages or images.</p> <p>Sending or posting messages that defame or slander other individuals.</p> <p>Engaging in harassment based on a student's membership in a protected class (race, color, religion, national origin, sex, sexual orientation, gender identity/expression (including transgender status), age, or disability).</p> <p>Expressing a threat orally, in writing, or by gesture with the intent to do physical harm to others.</p>				
K-5 students	●	●	●	●
6-12 students		●	●	●

<b>DISRUPTIVE AND/OR DISRESPECTFUL VIRTUAL CLASSROOM BEHAVIOR (46, 36)</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
Conduct or behavior which interferes with or disrupts the teaching and learning process. Use of memes or icons that are vulgar, obscene, encourage violence or other illegal activity. Refusing to follow the rules of the specific virtual classroom. Unmuting yourself when your teacher has placed you on mute without permission. Inappropriate use of discussion forums or synchronous chat rooms. Encouraging any criminal or other illegal activity (including, but not limited to, the unlawful use, possession, manufacture, sale or other distribution of tobacco, drugs, or alcohol, an act of discrimination or violence against another) through words in a posting or discussion.				
K-5 students	●	●	●	●
6-12 students	●	●	●	●

<b>DRESS CODE (38)</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
The Dress Code provisions in the Code of Conduct applies to students attending remotely. Dressing or grooming in a way that causes disruption is not allowed (ie: suggestive, provocative, or excessively tight clothing, items of an obscene nature, or items that state or depict matters of a vulgar or offensive nature or that encourages violence or illegal activity) during instructional activities.				
K-5 students	●	●		
6-12 students	●	●	●	

<b>ELECTRONIC DEVICE MISUSE (43, 44)</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
Recording any class session and transmitting it. Recording your teacher and/or classmates.				
K-5 students	●	●	●	
6-12 students	●	●	●	●

**APPENDIX D – PRE-K BEHAVIORAL INTERVENTIONS, SUPPORTS, AND RESPONSES****PRE-K BEHAVIORAL INTERVENTIONS, SUPPORTS, AND RESPONSES**

The Newburgh Enlarged City School District understands that all behaviors, positive and negative, have a function. Pre-K students exhibiting inappropriate behaviors are usually trying to avoid an activity (ie: assignment, request, or task) or obtain an item or seek attention. It is important for staff to determine the reason for a child’s behavior so that an appropriate replacement skill is taught.

Practices that allow educators to address behavior concerns as opportunities for learning instead of punishment are far more successful in changing a student’s behavior than imposing punitive measures. In determining how to best address inappropriate, unacceptable, and unskilled behaviors, it is necessary to consider all of the circumstances surrounding the behavior (ie: age, cognitive and developmental abilities, response to intervention, Individualized Education Plan (IEP), Behavioral Intervention Plan (BIP), 504 Accommodation Plan, etc.) Other considerations may include but are not limited to, if the child is homeless, a foster student, and/or an English Language Learner.

As a response to unacceptable and unskilled behaviors, Pre-K staff will take time to speak with students about their feelings, which may have led to inappropriate behavior. Pre-K students will be encouraged to use their words to express their feelings and solve their problems with support from staff as needed. Staff will also help students verbalize their feelings, facilitate conflict resolution, use restorative practices, and problem-solve when necessary.

Pre-K staff are encouraged to use a variety of age-appropriate, research-based behavior intervention strategies including, but not limited to the following:

- Model appropriate behaviors
- Positive redirection
- Teach replacement skills
- Maintain realistic expectations
- Provide clear and simple limits
- Mediation and/or restorative circle
- Conflict resolution/Problem-solving techniques.
- Provide logical and natural consequences for children’s actions
- Counseling
- Referral (ie: Multi-Tiered System of Supports (MTSS), Response to Intervention (RtI), Building/Community Based Support Team, and/or Committee on Preschool School Education)

Our staff strives to maintain consistent and open communication with families regarding the progress of their children in school. The home/school connection is very important, and children must understand that families and school staff are communicating and working together to meet their needs.

If a Pre-K student engages in pervasive or serious aggressive acts that cause injury or threaten children’s safety in the classroom, the Principal can determine the most appropriate intervention(s) consistent with the Code of Conduct. A disciplinary referral will be required for incidents that are more serious. In this case, a parent/guardian may be asked to meet and discuss the incident with the Principal and the appropriate Pre-K staff as needed. In addition, an intervention plan should be developed and parents/guardians invited to be directly involved in its development.

**APPENDIX E – ACKNOWLEDGEMENT OF CODE OF CONDUCT**

**ACKNOWLEDGEMENT OF RECEIPT: STANDARDS FOR COMMUNITY-WIDE CONDUCT AND INTERVENTION SUPPORTS**

Please sign one form for each Newburgh Public Schools student in your household and return it to your student’s school.

(Note: Failure to sign and return this form to the school does not relieve the student from the responsibility of conforming to the Newburgh Enlarged City School District’s Code of Conduct 2023-2024).

I have received a copy of Newburgh Enlarged City School District’s Code of Conduct 2023-2024.

Student’s Name (please print)

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Student’s School (please print)

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Name of Parent or Guardian (please print)

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Signature of Parent or Guardian

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Date

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