

**2023-2024**

**BAINBRIDGE – GUILFORD  
Central School District**

**18 Juliand St.  
Bainbridge, NY 13733**

**CODE OF CONDUCT**

**BAINBRIDGE-GUILFORD STUDENT RESPONSIBILITIES**

A student shall not act in such a manner which disrupts the rights of others, or which causes disorder or invades the rights of others. A school is a place of learning. Learning involves the expansion of knowledge as well as acting in a manner considerate of the rights and feelings of others. Students learn from each other. Students must be conscious that younger students follow the leadership of upper classmen. Such examples should enhance the school environment. Students are expected to show respect for faculty and other members of the school community. A relationship based upon respect creates a harmonious environment.

**The Code of Conduct supports our broad discretionary authority to maintain safety, order, and discipline.**

# BAINBRIDGE-GUILFORD SCHOOL DISTRICT CODE OF CONDUCT

“We believe that all students can learn and can achieve given time and quality instruction regardless of their previous academic performance, family background, socioeconomic status, race and/or gender. The mission of the B-G schools is to ensure that all students acquire the knowledge and skills which will enable young people to become productive members of society. It is our goal to educate all students to a higher level of academic performance and social/emotional behaviors and attitudes.”

## I. INTRODUCTION

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

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

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

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

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

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

“**Creed**” means (a) a formal statement of religious belief, a confession of faith (b) a system of belief, principles, or opinions.

“**Cyber Bullying**” shall mean harassment or bullying as defined in “Harassment” or “Bullying” which occurs through any form of electronic communication.

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

“**Discrimination**” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, national origin, religion, marital status, military status, sex, age, weight, sexual orientation, gender identity, ethnic group, religious practice, disability or predisposing genetic characteristic

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

“**Emotional Harm**” that takes place in the context of harassment or bullying shall be defined as harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. Such conduct shall include, but is not limited to, acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

“**Employee**” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

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

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

“**Harassment**” or “**bullying**” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyber bullying, that: has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, or reasonably causes or would reasonable cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but are not limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non- verbal actions.

“**National Origin**” means a person’s country of birth or ancestor’s country of birth.

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

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

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

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

**“School Bus”** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation.

of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law

Section 11[1] and Vehicle and Traffic Law Section 142).

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

**“School property”** means in or within any building, equipment, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

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

**“Sexual orientation”** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

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

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

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious sprays, 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.

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

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### A. Student Rights

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. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, creed, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be respected as an individual.
5. To have access to relevant and objective information concerning drug and alcohol abuse, as well as information to access individuals or agencies capable of providing direct assistance to students with serious personal problems.
6. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, national origin, religion, marital status, military status, sex, age, weight, sexual orientation, gender identity, ethnic group, religious practice, disability or predisposing genetic characteristic, or disability, by employees or students on school property or at a school-sponsored event, function or activity.
7. Be free from retaliation when, in good faith, the student reports or assists in the investigation of harassment, bullying and/or discrimination.

#### B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
11. To respect one another and to treat others in the manner that one would want to be treated.
12. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
13. To dress appropriately in accordance with the dress code.
14. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.

**Bainbridge-Guilford School District Bullying Prevention Rules:**

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know somebody is being bullied, we will tell an adult at school and an adult at home.

**IV. ESSENTIAL PARTNERS EXPECTATIONS:****Expectations for Parents**

1. Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
2. Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
3. Beginning at a very early age parents read to their children on a daily basis.
4. Ensure their child is immunized in a timely manner.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District Code of Conduct.
8. Convey to their children a supportive attitude towards education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Work with our schools to maintain open and respectful communication.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed
14. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

**Expectations for Teachers**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students.
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other school personnel concerning growth and achievement.
7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) or Title IX Coordinator in a timely manner.
10. Be free from retaliation when, in good faith, the employee reports or assists in the investigation of harassment, bullying and/or discrimination.

**Expectations for School Counselors**

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

### **Expectations for Support Staff**

1. Support educational and academic goals.
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate conversation or provide information to a teacher/counselor/principal as necessary or requested as a way to resolve problems or provide information regarding student progress or need.
7. Encourage students to benefit from the curriculum and extra-curricular programs.
8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), 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.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) or Title IX Coordinator in a timely manner.
10. Assist in promoting a safe, orderly and stimulating school environment.
11. Be free from retaliation when, in good faith, the employee reports or assists in the investigation of harassment, bullying and/or discrimination.

### **Expectations for Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC) or Title IX Coordinator.
8. Be free from retaliation when, in good faith, the Principal reports or assists in the investigation of harassment, bullying and/or discrimination.

### **Expectations for the Superintendent**

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

### **Expectations for the Board of Education**

1. Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Approve and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a District Dignity for all Students Act Coordinator. The Dignity for all Students Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), and sex. The Dignity for all Students Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity for all Students Act.
4. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

## **V. STUDENT DRESS CODE**

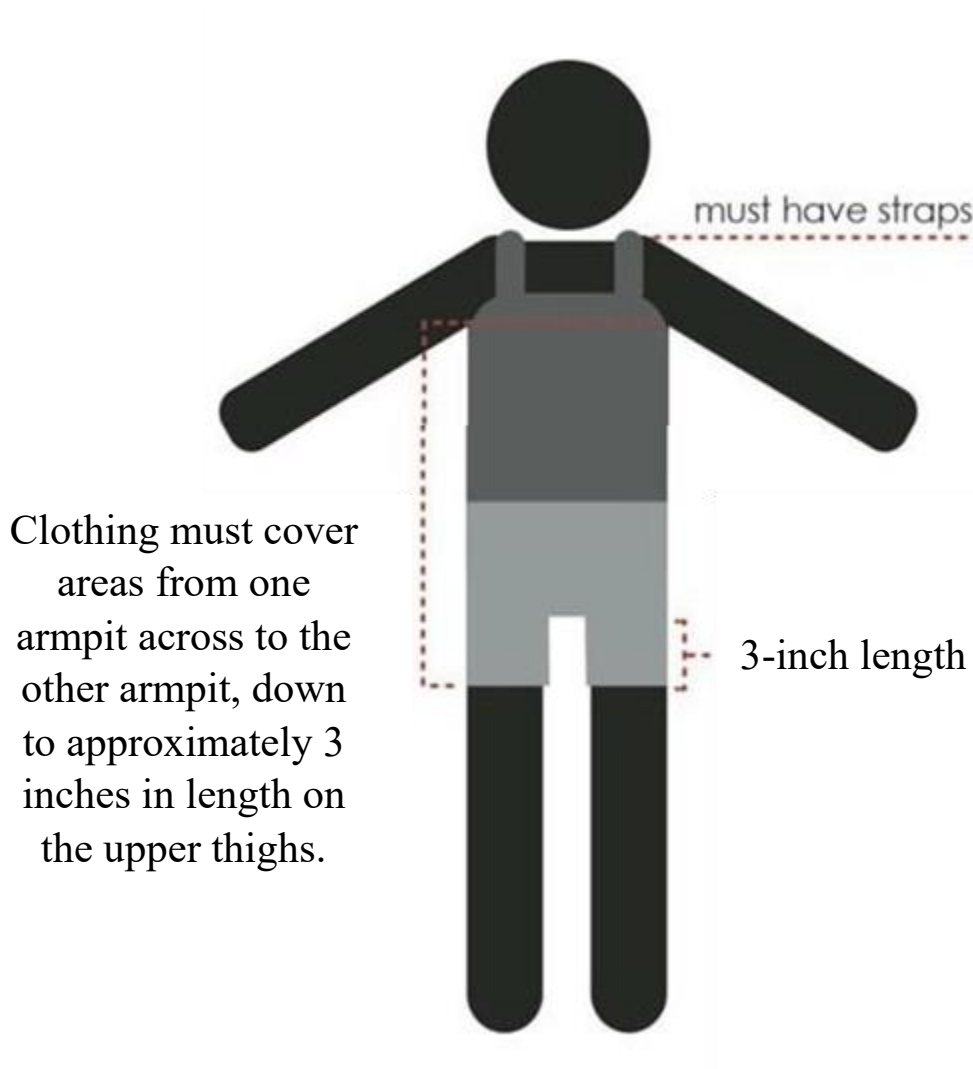
All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and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

1. Clothing must be clean, appropriate and not disrupt or interfere with the educational process.
2. Clothing must cover areas from one armpit across to the other armpit, down to approximately 3" in length on the upper thighs. Tops must have shoulder straps at least one-half inch wide. Rips or tears in clothing should be lower than the 3" in length.
  - a. Clothing may not depict, imply, advertise, or advocate illegal, violent, or lewd conduct, weapons, or the use of alcohol, tobacco, vapes, lighters/matches, or other paraphernalia/equipment for inhalation purposes, marijuana or other controlled substances.
  - b. Clothing may not depict pornography, nudity or sexual acts.

- c. Clothing may not display vulgar, discriminatory, or obscene language or images.
  - d. Clothing may not state, imply, or depict hate speech/imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected classification, such as confederate flag, swastika, etc.
  - e. Sunglasses may not be worn inside the building.
  - f. Clothing or accessories that endanger student or staff safety may not be worn.
  - g. Nothing may be worn or displayed that depicts membership in a gang that advocates illegal or disruptive behavior is prohibited.
  - h. Underwear must be covered.
3. Shoes must be worn at all times and should be safe for the school environment (pajamas, bedroom shoes, slippers shall not be worn, except for school activities approved by the principal).
  4. See-through or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of the dress code.
  5. Headgear including hats, hoodies, and caps are not allowed unless permitted for religious, medical, or other reason by school administration. Students may wear a headband for the purpose of holding their hair back. The students' face and line of sight must not be obstructed. The headband may not contain, profanity, hate symbols, drug, or alcohol advertising.
  6. Coats/Jackets are to be stored in one's locker from 7:55am- 3:05pm and are not to be worn during the school day.
  7. Backpacks, bags, etc. must not be carried in the school from 7:55am-3:05pm (except totally clear/see through backpacks, bags, etc.)

\*The administration reserves the right to determine what constitutes appropriate dress. Parent/guardian will be called if appropriate clothing is not available or the student refuses dress-code appropriate clothing.

## STUDENT DRESS CODE



## VI. PROHIBITED STUDENT CONDUCT

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct on the next pages are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when the following occur:

- a. Being under the influence of any substance that alters behavior in any way i.e.: any drug, synthetic drug (Including e-cigarettes and other devices designed for inhalation purposes) or controlled substance, an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school property or at a school function or school sponsored function or on a bus going to or coming from a school function or school sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
- b. The use, possession, sale or gift of tobacco products, vapes, lighters/matches, or other paraphernalia/equipment for inhalation purposes, any drug or controlled substance, including marijuana or any instruments for the use of such drugs, controlled substance or marijuana such as a pipe (Including e-cigarettes and other devices designed for inhalation purposes), syringe or other paraphernalia, while on school property or at a school function or school sponsored function or on a bus going to or from a school function or school sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician who is to be taken by the particular student at the time in question and administered through the Health Office.
- c. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
- d. Verbal or physical intimidation, harassment or discrimination against any person on the basis of race, color, weight, national origin, creed, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex.
- e. Fighting or causing physical harm to another.
- f. Disrespect toward a faculty member, administrator, or other school employee.
- g. Possession, use of, or threatening to use a weapon, which constitutes a firearm or destructive device, on school property or at a school function or school sponsored function.
- h. Possession, use of, or threatening to use knives or other weapons not included in section (g) on school property or at a school function or school sponsored function.
- i. Failure to comply with the directions of a teacher, administrator or other school employee.
- j. Engaging in acts of sexual harassment as defined in the district sexual harassment policy.
- k. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person.
- l. Selling, using or possessing obscene material.
- m. Lateness for, missing or leaving school, school grounds, or class without permission or an excuse given by a faculty member.
- n. Any willful act which disrupts the normal operation of the school community.
- o. Smoking a cigarette, cigar, or pipe, or using chewing or smokeless tobacco, vapes, lighters/matches, or other paraphernalia/equipment for inhalation purposes, on school property, at a school function or school sponsored function or on the bus going to or from a school function or school sponsored event.
- p. Disrupting the educational process.
- q. Interfering with the teacher authority over the classroom.
- r. Acting as a violent pupil.
- s. Vandalizes school property or the property of student or staff member.
- t. Violates the civil rights of another student.
- u. Violates the district's dress code.
- v. Public displays of affection.
- w. Cell phones and other electronic devices may disrupt or interfere with the learning process and are encouraged to be kept in the student's locker and turned off during the hours of 7:55 – 3:05. Cell phones and electronics are prohibited from being on one's person during any testing. When cell phones or electronic devices are a distraction, viewed by staff as inappropriate or against classroom rules, they will be confiscated. The consequence given to a student for violation of this rule may include, among other consequences, requiring a parent/guardian to pick up the device from the building principal.
- x. Taking or sharing pictures, audio, and/or videos of students or staff without their permission. This includes anything that can lead to harm, be offensive, depict breaking school rules, or disrupt the school day.
- y. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
- z. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) on or off school property, where the content of such communication
  - a. can reasonably be interpreted as a threat to commit an act of violence on school property; or,
  - b. results in material or substantial disruption to the educational environment
  - c. is harassing or discriminating as defined by this Code.An example in this category is cyber-bullying.
- aa. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- bb. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- cc. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.

dd. Engage in misconduct while on a school bus including but not limited to noise, pushing, shoving and fighting.

## VII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal/his or her designee or any other staff member. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent. A Bainbridge-Guilford Problem Report will be available in each building and on-line at the district website ([www.BGCSD.org](http://www.BGCSD.org)). All district staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staffs that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

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

The District has designated a Dignity Act Coordinator for each school. Those coordinators are:

Jr-Sr High School  
Joanne Moxley, School Social Worker  
18 Juliand Street  
Bainbridge, NY 13733  
Phone: 607-967-6323

Greenlawn Elementary School  
Phylcia Dunham-Fleming, Counselor  
43 Greenlawn Ave  
Bainbridge, NY 13733  
Phone: 607-967-6305

Guilford Elementary School  
Keren Seiler, Counselor  
138 School Street  
Guilford, NY 13780  
607-895-6710

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

### A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination:

1. verbal warning
2. written warning
3. written notification to parent
4. reprimand
5. lunch detention
6. after school detention
7. suspension from transportation
8. suspension from athletic participation
9. suspension from social or extracurricular activities
10. suspension of other privileges
11. exclusion from a particular class
12. involuntary transfer
13. suspension upon instruction – Long-term (more than 5 days)
14. suspension upon instruction – Permanent
15. Suspension upon instruction- 5 days or less.
16. In-school suspension



## 17. Removal from classroom by teacher

### **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **1. Detention**

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed only after the student's parent has been notified to confirm there is no parental objection to the penalty, and appropriate transportation home following the detention has been arranged.

#### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. If the parent is unable to provide transportation, the parent should contact the building principal.

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

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

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

#### **4. In-school supervision**

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school supervision." Any student who has served in school suspension is eligible to attend but is prohibited from participating in extra-curricular activities on that day.

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

#### **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

1. short-term "time out" in a classroom or in an administrator's office
2. sending a student into the hallway briefly
3. sending a student to the principal's office for the remainder of the class time only
4. sending a student to a school (guidance) counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates an unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom rules.

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

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

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

The teacher must complete a disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The principal may require the teacher to attend the conference.

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

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

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

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

#### **6. Suspension from school**

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

##### *a. Short-term (5 days or less) suspension from school*

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must

also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

##### *c. Minimum Periods of Suspension*

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

Any student, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year, unless the Superintendent determines otherwise as stated below. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a

short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

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

### **C. Referrals**

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

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

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.

c. Knowingly and unlawfully possesses a controlled substance in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

a. Any student under the age of 16 who is found to have brought a weapon to school, except or

b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

## **IX. ALTERNATIVE INSTRUCTION**

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

When any student is removed or suspended from school the student is responsible for all schoolwork assigned during said removal/suspension. Schoolwork is expected to be turned in through a tutor or upon students return to school unless a different plan is developed with the teachers.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

a. The board, the district (BOCES) superintendent, the superintendent of schools, or a building principal may order the placement

of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or causes serious bodily injury to staff or students.

1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury (definition on page 2 of this code).

2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law regulations applicable to this policy.

3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### *B. Change of Placement Rule*

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:

a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1. conducted an individual evaluation and determined that the student is not a student with a disability, or
2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited

evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because the student causes staff or students serious bodily injury or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### *D. Expedited Due Process Hearings*

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

1. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, serious bodily injury or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

2. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### *E. Referral to law enforcement and judicial authorities*

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XI. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

2. Protect the property of the school or others.

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

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

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

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

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

has been violated.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practical, searches will be conducted in the privacy of administrative offices with a third party and students will be present when their possessions are being searched.

#### *A. Student Lockers, Desks and other School Storage Places*

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent to further the District's efforts to create a safe and healthy environment. Only school- issued locks may be used.

#### *B. Police Involvement in Searches and Interrogations of Students*

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

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

When interrogated by Police, students are required to be in the presence of a parent unless permission is given otherwise.

#### *CANINE SEARCHES*

Periodically there will be searches conducted by a canine in the hallways and classrooms. The purpose of the searches is to create a safe environment for our students. The searches will be conducted to eliminate weapons, including knives, drugs and alcohol and tobacco products, vapes, lighter/matches, or other paraphernalia/equipment for inhalation purposes, in the school building.

#### *C. Child Protective Services Investigations*

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, or neglect, or custody investigations. All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

### **XIII. VISITORS TO THE SCHOOLS**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Main Office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind

of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel. The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

#### *A. Prohibited Conduct*

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, designer, synthetic or look alike drugs under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gambling or card playing on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Use any form of tobacco products, vapes, lighter/matches, or other paraphernalia/equipment for inhalation purposes, on school property.
17. Public displays of affection.

#### *B. Penalties*

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-A or any other legal rights they may have.
4. Staff members in classified service of civil service entitled to the protection of Civil Service Law section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described above shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### *C. Enforcement*

All staff shall be responsible for enforcing the conduct required by this code. When staff members see an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, they shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The staff member shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall be contacted and have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XV. CHEATING POLICY**

Integrity matters at Bainbridge-Guilford Central School. Cheating is copying someone else's work and submitting it as your own, or enabling others to do so. Each faculty member will articulate what is considered cheating in his or her class. Not only will cheating be discussed in each class, but information on cheating will also be included in each teacher's course syllabus that is sent home with students at the beginning of each semester.

The procedure taken when a student (or students) is caught cheating will be as follows:

1. All teachers, staff, and administration will confront and question a student suspected of cheating – the student's paper will also be taken away from him or her. If the suspected cheater is not in the class of the teacher who confronted him or her, that teacher

must report the incident to the teacher who assigned the work.

2. The teacher(s) will then investigate the incident.

- If it is concluded that a student was not cheating, the staff member who reported the incident and the student must be informed.
  - If it is concluded that the student was cheating, that student (and any other students involved) will;
    - A. Receive a 0 for the work.
    - B. Be written up on referral turned in to the principal.
    - C. Have their parents called to report the incident that was written up on the referral form.
    - D. Receive, at minimum, a p.m. detention by the principal after due process.
    - E. Be disqualified from Honor Roll and the Principal's List for the marking period.
3. The teacher whose class the student cheated in will provide feedback to whoever reported the cheating incident.
4. All incidents will be shared – in confidence – at grade level meetings.
5. Additional incidents of cheating by the same student will result in the above procedure, a parent-conference, and more severe disciplinary consequences including disqualification from consideration for the Honor Society.

## **XVI. DISSEMINATION AND REVIEW**

### *A. Dissemination of Code of Conduct*

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Posting the code on the District website.

The District will provide an education program for all district staff members to ensure the effective implementation of the code of conduct.

### *B. Review of the Code of Conduct.*

The Board 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. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and 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.