

# **Berlin Elementary School Code of Conduct**

**Mountaineers are  
Responsible, Safe, Respectful**



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## **I. Introduction**

At Berlin Central School District we believe in having a Code of Conduct that fosters student growth and creates each student's ability to live as responsible and contributing members of society. We are dedicated to providing a safe and supportive learning environment for all students. The Code of Conduct acknowledges that schools are public places that have to balance individual rights with civic obligations. We believe that students, parents/ guardians, faculty, staff, community members, and visitors have the right to be a respected and valued member of the Berlin community.

As a district, we recognize the need to clearly define these expectations for acceptable conduct on school property, at school functions, or at times when the action disrupts the educational process to identify the possible consequences of unacceptable conduct and to ensure that discipline, when necessary, is administered promptly and fairly. Our belief is that respect is an essential part of our school community underscored by our honest communication with all stakeholders.

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

## **II. Goals**

The goals of this Code of Conduct are to model and teach appropriate behavior and expectations. Compliance with the expected behaviors in this Code of Conduct will help students to develop self-management and social emotional skills. To accomplish this, we will provide a safe, civil, and supportive learning environment for students and staff. This will encourage all involved to engage in appropriate and acceptable behavior.

The Berlin Central School District's Code of Conduct serves as a guide to good citizenship and civic obligations that addresses both the expectations of behavior and the development of character. The Code of Conduct will be accessible to all stakeholders by the school district.

This Code of Conduct is based on laws, regulations, and policies, which provide access to education for all, while protecting the due process rights of the individual.

## **III. Definitions**

For purposes of this Code, the following definitions apply:

**Academic Dishonesty:** Includes plagiarism; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member.

**Behavior:** Includes the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in a way that is in line with this Code of Conduct.

**Behavioral and Academic Problem Solving and Planning Conference:** A teacher, student support team member, or administrator engages the student in a conference and action plan when unproductive and ineffective behaviors or mind sets are impeding academic success and high functioning in the classroom.

**Behavior Infractions:** Student behaviors that are inappropriate (not appropriate in school setting), unacceptable (not unacceptable in any setting), or unskillful (behavior not yet learned or demonstrated skillfully) that warrant clear, fair, timely, and standardized consequences and interventions.

**Bomb Threat:** The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging or any other means.

**Brief/Brief Time Out of Class:** A student spends a period of ten minutes out of class or less.

**Bullying/Harassment:** The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that:

- has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; 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 reasonably be expected to cause physical injury or emotional harm to a student; or
- occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Acts of harassment and bullying include, but are not limited to, those acts based on a person’s actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person’s actual or perceived sex, as well as gender identity or expression) or sex. For purposes of this definition the term “threats, intimidation or abuse” includes verbal and non-verbal actions. (NY Education Law § 11[7]).

**Child Protective Services (CPS):** The local governmental agency responsible for providing child protection, which includes responding to reports of child abuse or neglect.

**Consequence:** A result that follows from an action or condition.

**Controlled Substance:** A drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.E. 20402-9328; 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234).

**Criminal Behavior:** Any behavior that is considered an infraction against municipal, State, or Federal laws.

**Cyberbullying:** Harassment or bullying as defined above, where such harassment and bullying occurs through any form of electronic communication. (NY Education Law § 11[8]). Cyberbullying may include, among other things, the use both on and off school property, of electronic technology, including

but not limited to e-mail, instant messaging, blogs, chatrooms, pagers, cell phones, gaming systems, and social media websites, to deliberately harass or threaten others.

**Dangerous Implements:** Any implement or substance used as a weapon to inflict bodily harm, including any objects or implement capable of causing harm or used in such a way as to cause harm to another; this includes but is not limited to laser pointers, pencils, and scissors.

**Denial of Bus Transportation:** The temporary or permanent withholding of bus transportation. During the period of denial of school bus transportation, parents or legal guardians are responsible for transporting the student to and from school.

**Detention:** The supervised retention of students during the school day or after school for the purposes of increasing student self-awareness, self-management, and social skills and helping the student to understand the impact of their behavior, re-teach Wild Cat Ways, provide real-time opportunities to correct behavior, and set goals to improve behavior and restore relationships.

**Dignity Act Coordinator:** Means one or more staff members who are appointed by the Board of Education, and thoroughly trained to handle human relations in the areas of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identify and expression), and sex (NY Education Law § 13[3]).

**Disability:**

- 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
- a record of such an impairment; or
- a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall 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. (NY Executive Law § 292[21]).

**Discrimination:** Includes discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

**Disruptive Student:** An elementary or secondary student under the age of twenty-one who is substantially disruptive to the educational process or substantially interferes with the teacher's authority within the classroom, or with the authority of other District employees.

**Due Process:** A fundamental, constitutional guarantee of basic fairness, particularly in regard to disciplinary proceedings. Due process ensures that students will be afforded notice of the proceedings; an investigation that solicits information from all parties involved, an opportunity to be heard in a meaningful way in a timely manner, and an evidence-based decision that is reasonable and proportional to the incident.

**Electronic Communication:** a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, iPads, Smartwatches, video gaming systems or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, Instagram, and Twitter.

**Emotional Harm:** in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is as severe or pervasive as to unreasonably and substantially interfere with a student’s education.

**Employee:** 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 involved direct student contact. (NY Education Law § 1125[3]).

**Firearms:** is defined under the Gun Free Schools Act as the following:

- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any weapon described above.
- Bullets.
- Any firearm muffler or firearm silencer.
- Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
- Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
- The definition does not apply to a firearm lawfully stored inside a locked vehicle on school property, or if it is for activities that are school approved and authorized, and the District has appropriate safeguards to ensure student safety. (NY Education Law § 3214(3)(d)(3)(ii)).

**Gender:** actual or perceived sex and shall include a person’s gender identity or expression. (NY Education Law § 11[6]).

**Hazing:** A specific form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student’s willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- Humiliation: socially offensive, isolating or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
- Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.

The term “hazing” includes, but is not limited to, any activity that intimidates or threatens student with ostracism, or adversely affects the health or safety of the student; or any activity that cause or requires the student to perform a task or act that is an infraction of State or Federal law or District Policies/regulations.

**IEP (Individualized Education Program):** A legal written document required for children who are eligible to receive special education services. The members of the IEP team provide detailed information on children’s performance, offer direct support and services to students, set annual goals, and evaluate student’s progress on a regular basis.

**Illegal Substances:** Substances, including, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as “designer drugs.” This term also includes a controlled substance but does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.

**Intentional Destruction to Personal or School Property or Vandalism:** Damage, destruction or defacement of property belonging to the school or any individual person.

**Interventions:** Specific programs, strategies, restorative conferencing protocols, skill building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

**Parent:** Parent, guardian or person in parental relation to a student.

**Positive Behavioral Interventions & Supports (PBIS):** Positive behavioral interventions and supports is a school-wide framework of universal expectations, shared language, and common policies and practices that support a safe, civil, caring, and supportive learning environment. It encourages positive student behavior through the promotion of social and emotional competence and prevention of inappropriate, unacceptable, and unskillful behaviors, targeted interventions for students who meet specific criteria and conditions associated with specific interventions, and more intensive and individualized interventions for students with high needs who are at greatest risk for healthy development and school success.

**Progress Monitoring:** Progress monitoring involves the assessment of a student’s regular use of desired target behaviors that support improved behavior and academic performance. The process usually lasts for three to six weeks during which the teacher and the student use a tool with an easily measured rating scale to reflect on the students’ performance and use of specific behaviors from day to day and week to week.

**Protective Hairstyles:** includes, but is not limited to, such hairstyles as braids, locks, and twists.

**Race:** includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

**Relationships:** The way in which two or more people regard and behave toward each other.

**Respect:** An act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in

ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one's hands to oneself and not violating others' personal space.

**Responsibility:** An obligation to behave in accordance with social norms and being held accountable for one's actions.

**Restorative Practices:** are approaches to dealing with violations of the Code of Conduct which enable those who have been harmed to convey the impact of the harm to those responsible, and for those responsible to hold them accountable by acknowledging this impact and taking steps to repair the relationship or correct the situation.

**Rules:** An explicit set of enforceable regulations or principles that govern or guide conduct. They provide specific instructions about what to do and not to do in specific contexts; thus, rules are stated using either positive or negative language. Typical school rules provide direction for personal deportment: What you may wear; what you may bring to school; where you can go and when you can go there. Rules foster a sense of order, calm, and purposefulness, prerequisites for establishing a learning-focused culture.

**Safe, Civil, Caring, and Supportive Learning Environment:** This phrase is used throughout the Code to name the critical qualities of a learning environment that enable every student to behave responsibly and succeed academically.

**School Bus:** Every motor vehicle owned by a public or governmental agency or private school 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. (NY Education Law §11[1] and NY Vehicle and Traffic Law §142).

**School Function:** Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. (NY Education Law § 11[2]).

**School Property:** Means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in New York Vehicle and Traffic Law §142. (NY Education Law §11[1]).

**Serious Bodily Injury:** Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. Serious Bodily injury will be verified by the school nurse.

**Sexual Orientation:** actual or perceived heterosexuality, homosexuality, or bisexuality. (NY Education Law § 11[5]).

**Short-Term Time Away:** A student spends a period of ten minutes out of class or less.

**Social and Emotional Learning (SEL):** The process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set



and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.

**Student:** A child enrolled as a K-12 registrant, in any of the District's academic programs.

**Student-Student Mediation:** An adult, a student and adult, or student co-mediators facilitate a mediation to resolve conflicts between two students or a group or groups of students who have engaged in a verbal or physical inter-personal or inter-group conflict with each other.

**Tardiness:** Arriving late to school or class.

**Theft:** Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use; Robbery, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon; Theft/possession/transfer of stolen goods, which includes the act of possessing or transferring the property of another without the consent of the owner.

**Tobacco Infractions:** Possession, use, sale or distribution of tobacco or tobacco products, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco.

**Trespassing:** Being on school property without permission, including while suspended or expelled; includes breaking and entering.

**Violent student:** A student under the age of 21 who:

- commits an act of violence upon a school employee.
- 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.
- possesses, while on school property or at a school function, a weapon, such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
- displays, while on school property or at a school function, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury.
- threatens, while on school property or at a school function, to use any instrument that appears capable of causing physical injury or death.
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property, or at a school function.
- knowingly and intentionally damages or destroys school district property.

**Weapon:** a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. (NY Education Law §3214(3)(c)(1)).

#### **IV. Student Rights and Responsibilities**

The District is committed to safeguarding the rights given to all students under federal and state law and District policy. All members of the school community must assume a responsible role in prompting behavior that enhances academic and social success. Courteous, respectful and responsible behavior fosters a positive climate and one that optimizes learning. In addition, to promote a safe, healthy, affirming and supportive school environment, all District students have the right:

##### **All District students have the right to:**

- Take part in all District activities on an equal basis regardless of race (including traits historically associated with race, such as hair and texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, ethnic group, religious practice, gender (including gender identity and expression), sexual orientation, sex, or disability.
- Be treated with fairness, dignity and respect by other students and school staff.
- Express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
- Be afforded a due process hearing where they will have the right to present their version of relevant events to school personnel and to question and interview any witnesses or evidence brought against them by the school administration before imposition of consequence.
- Be seen, heard, and known.
- Be included and access a sound, quality education in a school environment that is responsible, safe and respectful.
- Be protected from intimidation, harassment, bullying, or discrimination in accordance with the Dignity for All Students Act (DASA). (See Education Law §12 [1]).
- Access District policies, regulations, and rules at any time and to receive an explanation of those policies or rules from school personnel.
- Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over eighteen years of age have the right to inspect and review the student's educational records and have the right to request amendment to the student's educational records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student's education record, except to the extent that FERPA authorizes disclosure without consent.
- As a rule, information received by teachers and other school officials is not privileged (except for provisions of FERPA) and may be revealed by the recipient of such knowledge whenever he or she feels that it is appropriate to do so. However, some communications made in connection with drug or alcohol abuse prevention programs may be kept confidential. A student who is concerned about the confidentiality of communications made to staff members should ask the staff member in advance whether the information could be kept confidential.
- Be provided with clear expectations regarding:
  - Course objectives, requirements and state standards;
  - Grading criteria and procedures;
  - Assignment requirements and deadlines; and
  - School and classroom rules and expectations regarding behavior.

### **All District students have the responsibility of:**

- Contributing to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Familiarizing themselves with all District policies, rules and regulations dealing with student conduct, including the Berlin Elementary School Code of Conduct.
- Helping to make the school a community free of violence, intimidation, bullying, harassment, and discrimination.
- Refraining from interfering with or threatening the education or rights of others.
- Owning and being an active participant in their learning by completing all assignments, participating in discussions, homework, etc.
- Attending school every day (unless legally excused), arriving on time, being prepared to learn, being focused and engaged in learning.
- Working to the best of their ability in all academic and extracurricular pursuits and striving towards their highest level of achievement possible.
- Using a polite tone of voice and appropriate body language and listening when others are speaking.
- Reacting to direction given by teachers, administrators, and other school personnel in a respectful and positive manner.
- Respecting themselves and others in class, on school grounds, on buses and any school-related activity.
- Being truthful about and accountable for words and actions.
- Following all District and building-level policies, rules and regulations, even those rules with which they disagree.
- Accepting direction, requests, feedback and support with respect from all adults.
- Working to develop skills to manage their emotions and reactions and resolving conflict with others.
- Making an effort to improve behavior through restorative interventions.
- Seeking help and asking questions when they do not understand.
- Respecting and taking responsibility for all school property, including, but not limited to, District technology, equipment, textbooks and materials.
- Conducting themselves as a representative of the District when participating in or attending school sponsored extracurricular events and holding themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **V. Essential Partners**

Parents, guardians and caregivers have the right to be active participants in the learning process, to express views and to provide input into decisions that affect their children. They are vital to the success of students in school. Parents, guardians and caregivers should have high expectations for their children.

#### **Parents have the right to:**

- Be actively involved in their child's education.
- Be treated courteously, fairly and respectfully by all school staff.
- Receive timely information about policies and procedures that relate to their child.
- Receive regular reports from school staff regarding academic progress and behavior.
- Receive notification and information of repetitive or significant inappropriate or disruptive behaviors by their child and any disciplinary actions taken.

- Receive information about due process procedures for disciplinary matters concerning their child.
- Receive information about ways to improve their child's progress including counseling, tutoring, after-school programs, academic programs and mental health services.
- Receive information about services for students with disabilities and English language learners.
- Be contacted when their child is believed to have committed a crime or when police are called.
- Receive communication through provided translators.

**Parents have the responsibility of:**

- Recognizing that the education of their child is a joint responsibility of the parents and the school community and collaborating with the District to optimize their child's educational opportunities.
- Providing updated contact information to the Berlin Central School District Student Registration Office and their child's school.
- Sending their child to school ready to participate and learn.
- Making sure that their child attends school regularly and on time.
- Letting school know when and why child is absent and ensuring that such absences are excused.
- Ensuring their child is dressed and groomed in a manner consistent with the student dress code.
- Helping their child understand, that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
- Telling school officials about any concerns or complaints in a respectful and timely manner.
- Being familiar with the District's policies, rules, and regulations, including the Berlin Elementary Code of Conduct.
- Helping their child understand District policies, rules, and regulations so that the child can help create a safe, supportive school environment.
- Conveying to their child a supportive attitude towards education and the District.
- Building positive, constructive relationships with teachers, other parents, and their child's friends.
- Supporting their child by providing an environment suitable for learning and developing good study habits.
- Helping their child deal effectively with peer pressure.
- Working with school staff to address any academic or behavioral problems their child may be facing.
- Informing school officials of changes in the home situation that may affect student conduct or performance.
- Providing a place for study and ensuring homework assignments are completed.
- Talking with their child about expectations and behavior.
- Teaching and modeling respect.
- Advocating for their child and taking an active role in the school community.
- Attending parent/teacher conferences and monitoring their child's grades and progress.
- Being respectful and courteous to staff, other parents, guardians, caregivers and students while on school premises.
- Teaching their child that everyone has the right to attend school and be treated with respect and dignity regardless of race (including traits historically associated with race, such as hair and texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), or sex.
- Being open to active participation in resolving conflicts through a restorative process.

**Principals, Educators and all school staff have the right to:**

- Work in a safe and efficient environment.
- Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff.
- Communicate concerns, suggestions and complaints.
- Receive supportive professional development and training.
- Receive necessary resources.

**Educators including teachers, teaching assistants and service providers have the responsibility of:**

- Maintaining a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identify or expression), or sex, which will strengthen students' self-concept and promote confidence to learn.
- Being prepared to teach and/or work with students.
- Demonstrating interest in teaching and concern for student achievement.
- Fostering and nurturing students so that they develop as learners both academically and socially.
- Recognizing that children may need support both academically and behaviorally.
- Being respectful and courteous to students, parents, guardians and caregivers.
- Serving as role models for students.
- Being familiar with District policies, rules, and regulations, including the Berlin Elementary School Code of Conduct, and enforcing such policies, rules, and regulations in a fair and consistent manner.
- Cooperating and scheduling conferences with students, parents and others in an effort to understand and resolve academic and behavioral concerns.
- Making every effort to accommodate families whose work schedules, access to transportation or distance from school, limits their ability to meet or participate in conferences or meetings.
- Keeping parents informed of their student's progress, challenges, effort and achievements.
- Encouraging students to participate in classroom, extracurricular and other school-related activities.
- Maintaining confidentiality in accordance with federal and state law.
- Knowing and enforcing rules, policies and procedures consistently, fairly and equitably.
- Addressing issues of discrimination and harassment in any situation that threatens the emotional, physical health or safety of any student, employee or person who is on school property or at a school function. In addition, report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, counselor, administrator, staff member or to the Dignity Act Coordinator.
- Supporting all students' social and emotional development by building positive relationships with all students within the building; modeling, teaching, practicing, and assessing social and emotional competencies; and supporting and facilitating restorative interventions.
- Striving to ensure that race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), economics, and disability are never predictors of student achievement.
- Addressing personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Participating in school-wide efforts to provide adequate supervision in all school spaces.
- Communicating to students and parents:

- Course objectives and requirements;
- Marking/grading procedures;
- Assignment deadlines;
- Expectations for students; and
- Classroom discipline plan.
- Being open to active participation in resolving conflicts through a restorative process.

**School counselors, school psychologists and social workers are expected to:**

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Be familiar with the Berlin Elementary School Code of Conduct.
- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans, maintain career planning portfolios, and monitor all graduation requirements.
- Provide information to assist students with career planning.
- Maintain confidentiality in accordance with federal and state law.
- Encourage students to benefit from the curriculum and extra-curricular programs.
- Make known to students and families the resources in the community that are available to meet their needs.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.
- Support all students' social and emotional development by building positive relationships with all students within the building; modeling, teaching, practicing, and assessing social and emotional competencies; and supporting and facilitating restorative interventions.
- Teach appropriate coping strategies, as needed, to foster positive and prosocial skills needed for academic and social-emotional success.
- Maintain communication with students on suspension to ensure students are making educational progress in alternate educational settings and check on social emotional functioning and mental health.
- Maintain consistent communication with students who are in a home instruction or other instructional setting outside the school building.
- Participate in school-wide efforts to provide adequate supervision to all school spaces.
- Be open to active participation in resolving conflicts through a restorative process.

**Other School Personnel (including but not limited to, aides, coaches, substitutes, food service, transportation, buildings and grounds, secretaries, etc.) have the responsibilities of:**

- Maintaining a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles, like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Maintaining confidentiality in accordance with federal and state law.
- Being familiar with the Berlin Elementary School Code of Conduct.
- Helping students understand the District's expectations for maintaining a safe, orderly environment.
- Participating in school-wide efforts to provide adequate supervision in all school spaces.
- Addressing issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Addressing personal biases that may prevent equal treatment of all students.
- Being open to active participation in resolving conflicts through a restorative process.

This includes individuals from outside organizations who are collaborating with District personnel and/or students.

**Principals/Administrators have the responsibility of:**

- Promoting a safe, supportive and orderly school environment, supporting active teaching and learning for all students and school community members, regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Ensuring that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
- Knowing school policies and rules and enforcing them in a fair and consistent manner.
- Being familiar with all District policies, rules, and regulations, including the Berlin Elementary School Code of Conduct.
- Supporting the development of and student participation in appropriate extracurricular activities.
- Providing support in the development of the Code of Conduct, when called upon.
- Disseminating the Code of Conduct and anti-harassment policies.
- Reviewing the Code of Conduct and procedures for reporting incidents with all staff at the beginning of the school year.
- Enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Participating in school-wide efforts to provide adequate supervision in all school spaces.
- Maintaining confidentiality in accordance with federal and state law and respecting student and parent rights to privacy.
- Developing the capacity of staff, students and families to intervene regarding behavioral concerns.
- Ensuring equity and that all students are treated fairly.
- Addressing issues of discrimination or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

- Addressing personal biases that may prevent equal treatment of all students and staff.
- Being open to active participation in resolving conflicts through a restorative process.

**The Dignity Act Coordinator is as follows:**

Tracy Kent, Samantha Brewer, Ryan Steller

**Dignity Act Coordinator(s) should:**

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and 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 every day.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Participate in the work of the District-wide and building-level character education programming.
- Provide training for all faculty, staff and students on the Dignity for all Students Act (DASA).
- Maintain all records of DASA incidents, investigation and findings, and submit necessary data for state reporting.
- Identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources.
- Be responsible for monitoring and reporting on the effectiveness of the District's anti-bullying, harassment and discrimination policy and regulations (DASA policy).
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Notify the appropriate building principal and the District's Title IX Coordinator of any reports of sexual harassment made to the Dignity Act Coordinator by any individual other than the building principal or Title IX Coordinator.
- Address personal biases that may prevent equal treatment of all students. The individual filling the DAC position will be selected by the Superintendent, in consultation with the building Principal, and approved by the Board of Education. If for any reason the position of DAC becomes vacant, a new DAC must be appointed within 30 days of vacancy.
- The DASA coordinator will be thoroughly trained to handle human relations in the areas of (a) race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) and sex; (b) identification and mitigation of harassment, bullying, and discrimination; and (c) in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. The DASA coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity for All Students Act.

**The Title IX Coordinator is as follows:**

Samantha Brewer



**The Title IX Coordinator has the responsibility of:**

- Coordinating the District’s compliance with Title IX.
- Coordinating responses to all formal complaints of sexual harassment.
- Reviewing and responding to all reports regarding alleged sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Title IX Sexual Harassment).
- Receiving annual training on:
  - The definition of sexual harassment;
  - The scope of the District’s education program or activity;
  - How to investigate and the grievance process, including appeals and informal resolution processes;
  - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - Technology to be used at a live hearing;
  - Issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual behavior are not relevant; and
  - Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

**The Superintendent has the responsibility of:**

- Promoting a safe, supportive and orderly school environment for all students and school community members, regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Informing the Board of Education about educational trends relating to student discipline.
- Reviewing the policies of the Board of Education and state and federal laws, relating to school operations and management, with all District administrators.
- Being familiar with all District policies, rules, and regulations, including the Berlin Elementary School Code of Conduct.
- Maintaining confidentiality in accordance with federal and state law.
- Ensuring all staff participate in mandated yearly training.
- Working with District administrators to encourage a positive school climate, enforce the Code of Conduct, and ensure that all incidents are resolved promptly and that students are treated fairly and equitably.
- Working to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
- Participating in school-wide efforts to provide adequate supervision in all school spaces.
- Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, employee or any person who is lawfully on school property or at a school function.
- Ensuring that race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), economics and disability do not predict student achievement.

**Members of the Board of Education have the responsibility of:**

- Promoting a safe, supportive and orderly school environment for all students and school community members regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),

color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

- Maintaining confidentiality in accordance with federal and state law.
- Developing and recommending a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
- Approving the Berlin Central School District Code of Conduct annually.
- Approving the Berlin Elementary School Code of Conduct at least annually, in an effort to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- Collaborating with students, teachers, administrators, 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.
- Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or person who is lawfully on school property or at a school function.
- Addressing personal biases that may prevent equal treatment of all students and staff.
- Ensuring that policies promote and ensure equity.

## **VI. Student Dress Code**

The Berlin Elementary School is committed to providing a responsible, safe and respectful environment for learning. This includes the responsibility of ensuring a student's dress, grooming, and overall appearance is safe and does not disrupt or interfere with the educational process. A student's style of dress may reflect individual choice but must be within the constraints of reasonable rules and appropriate standards consistent with an environment that promotes a positive learning atmosphere free of disruptions and distractions. Students and their parents are responsible for adhering to the building dress code.

All students are expected to dress appropriately for school and school functions in clothes that promote a safe learning environment. Clothing that creates a disruptive environment or causes a health or safety hazard are neither appropriate nor acceptable at school. Students and their parents/guardians have the primary responsibility for acceptable dress and appearance. Teachers and all other District personnel should exemplify and reinforce professional and acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. School staff shall enforce the dress code consistently.

All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline.

Student attire shall not interfere with health or safety, contribute to a hostile or intimidating atmosphere for any student, or disrupt or interfere with the educational process.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall (1) be unlikely to injure people or damage property, (2) be appropriate according to this Code, and (3) not substantially disrupt or materially interfere with the educational process.

The Superintendent, building principal, or designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. In addition, the Superintendent, building principals and other designated administrators have the authority to require a student to change their attire should it be deemed inappropriate according to the following guidelines.

Specifically:

- Footwear is required to promote the health and safety of students; students must wear footwear at all times in the school building. Footwear that is a safety hazard will not be allowed.
- A student's attire shall fully cover the student's private parts with opaque fabric.
- A student's attire shall ensure that the student's underwear is covered by outer clothing (visible waistbands and straps are not violations).
- A student's attire shall include a shirt (with fabric in the front and back and on the sides under the arms) and pants/jeans or the equivalent (e.g., skirts, sweatpants, leggings, shorts, dresses).
- Students may not wear clothing items that are vulgar, obscene, discriminatory, and libelous or denigrate, harass, or discriminate against others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, creed, gender or sex. Anything that promotes and/or endorses the use of alcohol, tobacco, or illegal drugs or controlled substances and/or encourages other illegal or violent activities may not be worn.
- Students may not wear clothing that obscures or hides their face to the extent the student is not identifiable, including but not limited to sunglasses, full face masks, and hoods, except for medical or religious purposes.
- Backpacks, drawstring bags, and any large bag must be kept in the student's locker during the school day.
- Students may not wear swimsuits (except as required in class or athletic practice).
- Students may not wear accessories that could be considered dangerous or that could be used as a weapon.
- Students may not wear items that denote or represent gang affiliation such as bandanas, beads, jewelry, or other indicators and/or symbols intended expressly so.
- Students may not wear clothing that does not fit appropriately such that it may cause injury;
- Students may not wear clothing that disrupts the educational process.
- Students may be required to wear protective gear in certain classes.

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and minimizing the loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students, privately, determine if there are factors impacting the student's ability to meet the dress code, and help address any issues.

Students whose appearance violates the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so may be deemed to have violated this Code of Conduct and subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension. Whether or not a student's attire is appropriate or not is ultimately within the discretion of the administrators. If necessary, parents will be notified and asked to come to school to either pick up their student or bring proper attire.

Students or parents/guardians may contact school administration regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. The opt-out provision must be discussed with the building principal, central office and the parents or guardians. If the school administration denies the request for opt out, the applicant may appeal to the Superintendent or his/her designee within five school

days. If the Superintendent or his/her designee denies the request, the applicant may appeal the denial to the Board of Education within five days of the Superintendent's written denial. The decision of the Board will be final.

## **VII. Personal Electronic Devices**

Personal electronic device (PED) refers to a privately-owned device that is used for audio, video, text communication or any other type of computer-like instrument. Personal electronic devices may include but are not limited to:

- Existing and emerging mobile communication systems and smart technologies (cellular phones, iPhones, Smartphones, internet-enabled phones, etc.)
- Handheld entertainment systems (video games, CD players, compact DVD players, MP3 players, iPods, earphones, etc.)
- Portable internet devices (mobile messengers, iPads, etc.)
- Current or emerging wireless handheld technologies or portable information technology systems that can be used for word processing, wireless internet access, image capture/recording, All sound recording, and information transmitting/receiving/storing, etc.

Privately owned electronic devices are not to be used or accessed in the school, on the School Bus, or on school property during the school day unless previously authorized by school personnel. Students may possess PEDs on their person, but they must be powered off and located in a designated area determined by school personnel. It is not permissible for PEDs to be on "silent" or "vibrate" during this time. If a student is seen with such a device, it may be confiscated. These devices will be returned to the parent/guardian only.

Personal electronic devices may not be used by students for any disruptive purpose including phone calls, text messaging, taking photos and videos or any other functions during the regular school day. PEDs shall not be used in any way that threatens, humiliates, harasses or intimidates students, school personnel or visitors or otherwise violates District policies and regulations or local, state or federal laws. Students are prohibited from sending, sharing, viewing or possessing pictures, text messages, emails or other material of a sexually explicit nature on their PEDs while on school premises, at school-sponsored activities or on school transportation. Further, students are prohibited from using the camera, video or recording functions of their personal electronic devices on school premises or at school-sponsored activities where another student or individual has an expectation of privacy, including, but not limited to, locker rooms, counseling sessions, restrooms, dressing areas, etc.

Students are responsible for the security, as stated above of the personal electronic devices brought to school. The District is not responsible for lost, stolen, damaged or unauthorized use of personal electronic devices. Further, the District is not liable to any student or his or her parent or guardian for any claims, losses, damages, suits, expenses or costs of any kind arising out of or related to the use or possession of a student's personal electronic device.

## **VIII. Behavior Expectations**

The goal of the Behavior Matrix is to create consistent language and expectations, provide a safe and positive learning environment and reinforce self-awareness for all students.

### **Berlin Elementary School Behavior Matrix**

**We are Responsible. We are Safe. We are Respectful.**

	<b>Responsible</b>	<b>Safe</b>	<b>Respectful</b>
Bus Voice Level 0-2	<ul style="list-style-type: none"> <li>-Keep your bus clean</li> <li>-Wait for the driver to signal you to cross</li> <li>-Help one another</li> </ul>	<ul style="list-style-type: none"> <li>-Stay seated at all times</li> <li>-Walking feet to and from the bus</li> <li>-Wear your seatbelt if asked by your driver</li> <li>-Keep the aisle clear</li> </ul>	<ul style="list-style-type: none"> <li>-Listen to the driver and monitor</li> <li>-Stay in your own personal space</li> <li>-Keep your hands, feet and personal belongings to yourself</li> <li>-Speak with kind words</li> <li>-Follow directions the first time</li> </ul>
Cafeteria Voice Level 2	<ul style="list-style-type: none"> <li>-Raise your hand for permission to leave your seat</li> <li>-Be prepared to order</li> <li>-Sign out to leave</li> <li>-Keep your food and money to yourself</li> </ul>	<ul style="list-style-type: none"> <li>-Walking feet at all times</li> <li>-Keep your hands and feet to yourself</li> <li>-Stay in your seat</li> </ul>	<ul style="list-style-type: none"> <li>-Say please and thank you</li> <li>-Keep your hands on your own food</li> <li>-Have a quiet and calm body while you wait in line</li> <li>-Pick up after yourself</li> <li>-Take what you will eat</li> </ul>
Hallway Voice Level 0-1	<ul style="list-style-type: none"> <li>-Follow adult directions</li> <li>-Return to class quickly</li> <li>-Keep lockers quiet</li> </ul>	<ul style="list-style-type: none"> <li>-Walking feet at all times</li> <li>-Keep your hands and feet to yourself</li> <li>-Walk to the right and face forward</li> </ul>	<ul style="list-style-type: none"> <li>-Keep the hallways clean</li> <li>-Hands on your own property</li> <li>-Put all belongings in lockers or place neatly next to locker</li> </ul>
Bathroom Voice Level 0	<ul style="list-style-type: none"> <li>-Wash your hands</li> <li>-Use in a timely manner</li> <li>-Sign out in the classroom and cafeteria</li> </ul>	<ul style="list-style-type: none"> <li>-Walking feet at all times</li> <li>-Keep the water in the sink</li> <li>-Feet on the floor at all times</li> </ul>	<ul style="list-style-type: none"> <li>-Flush</li> <li>-Have a calm and quiet body while you wait</li> <li>-Pick up after yourself</li> <li>-Let others have privacy</li> </ul>
Classroom Voice Level 0-4	<ul style="list-style-type: none"> <li>-Come to school and be prepared</li> <li>-Try your best</li> <li>-Use a teacher directed voice level</li> </ul>	<ul style="list-style-type: none"> <li>-Keep your hands, feet and objects to yourself</li> <li>-Stay in your own personal space</li> <li>-Ask for permission to leave the room</li> </ul>	<ul style="list-style-type: none"> <li>-Work cooperatively with others</li> <li>-Share classroom materials</li> <li>-Help one another</li> <li>-Follow directions the first time</li> </ul>
School Issued Devices Voice level 0-3	<ul style="list-style-type: none"> <li>-Charge daily</li> <li>-Use it for school activities and assignments only</li> <li>-Know your login and password</li> </ul>	<ul style="list-style-type: none"> <li>-Carry device with two hands</li> <li>-Keep in a secure location</li> </ul>	<ul style="list-style-type: none"> <li>-Treat device with care</li> <li>-Hands on your own device</li> </ul>
Recess Voice Level 0-4	<ul style="list-style-type: none"> <li>-Line up when the whistle blows</li> <li>-Enter the building with a level 0 voice</li> <li>-Be prepared for the weather</li> </ul>	<ul style="list-style-type: none"> <li>-Keep your hands, feet and objects to yourself</li> <li>-Walking feet to and from the playground</li> <li>-Stay within the playground area</li> </ul>	<ul style="list-style-type: none"> <li>-Take turns</li> <li>-Include others</li> <li>-Use kind words</li> <li>-Follow directions the first time</li> <li>-Pick up recess equipment</li> <li>-Play by the rules</li> </ul>
Assemblies Voice Level 0-4	<ul style="list-style-type: none"> <li>-Appropriate applause (silent clapping)</li> <li>-Stay in your own personal space</li> </ul>	<ul style="list-style-type: none"> <li>-Walking feet to enter and exit</li> <li>-Sit criss cross</li> <li>-Keep your hands and feet to yourself</li> <li>-Stay seated in one spot</li> </ul>	<ul style="list-style-type: none"> <li>-Listen to the speaker</li> <li>-Eyes on the speaker</li> </ul>
Arrival/ Dismissal Voice Level 0-1	<ul style="list-style-type: none"> <li>-Be prepared and on time</li> <li>-Walk directly to your locker, class or bus when arriving or dismissing</li> <li>-Be a role model</li> </ul>	<ul style="list-style-type: none"> <li>-Walking feet when entering or leaving the building</li> <li>-Keep your hands, feet and objects to yourself</li> </ul>	<ul style="list-style-type: none"> <li>-Say good morning and goodbye</li> <li>-Keep all personal items in your backpack</li> <li>-Have a calm and quiet body while you wait</li> </ul>

Voice levels:      Level 0-silence      Level 1-whisper      Level 2-talking      Level 3-presentation      Level 4-stadium

### **IX. 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. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

It is expected that all students conduct themselves in a manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying and harassment.

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. In a school community that utilizes Restorative Practices, the school climate is happier, more productive, cooperative, and more likely to make positive changes in behavior. When those in positions of authority work collaboratively with stakeholders, students will learn accountability and responsibility. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so they may grow in self-discipline. In an effort to fulfill these expectations, Berlin Middle/High School will implement restorative practices. The Board of Education supports the model of Restorative Practices which is the process of restoring and developing social capital, social discipline, emotional wellbeing and civic participation through participatory learning and decision-making.

The Code of Conduct is designed to set forth standards and expectations for behavior. 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 Code of Conduct applies to incidents that occur in school or on school property before, during, and after school hours, while traveling in District vehicles, at all school-sponsored events (regardless of location) when the behavior is shown to negatively affect the educational process, or endanger the health, safety, morals, or welfare of the school community. If the misconduct involves communication, gestures, or expressive behavior, the behavior violation applies to oral, written, or electronic communications, including but not limited to, texting, emailing, and social networking. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior, are unable or unwilling to participate in restorative practices, and who violate these school rules will be required to accept the consequences for their conduct.

In determining disciplinary responses, the school officials should consider the following facts prior to determining the appropriate assignment of consequences and interventions:

- Age and maturity of student.
- Student's disciplinary record (nature of prior misconduct, number of prior instances of misconduct).
- Disciplinary consequences and interventions applied in prior behavior violations.
- Nature, severity, and scope of behavior at issue.
- Circumstances or context in which the conduct occurred.
- Frequency and duration of behavior.
- Student's IEP, BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable.
- Student's response to intervention.

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

**A. Engage in conduct that is disorderly.**

Examples of disorderly conduct include but are not limited to:

- Running or otherwise unsafe behavior in the hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar, or abusive.
- Obstructing vehicular traffic.
- Engaging in any willful act that disrupts the normal operation of the school community.
- Trespassing in any school building without permission from the administrator in charge of the building. Students are not permitted in any school building or school office, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Display or unauthorized use of personal electronic devices, including but not limited to, cell phones, iPad, Air Pods, Smartwatches, laptops/Chromebook, or other portable devices, or any other violation of the District's acceptable use policy.

**B. Engage in conduct that is insubordinate and/or disruptive to student learning or teacher instruction.**

Examples of insubordinate conduct include but are not limited to:

- Failing to comply with reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
- Lateness and missing or leaving school without permission.
- Skipping any detention.
- Unauthorized use of cellphones.

**C. Engage in conduct that is disruptive.**

Examples of disruptive conduct include but are not limited to:

- Failure to comply with reasonable directions of teachers, school administrators, or other school employees in charge of students.
- Inappropriate public sexual contact.
- Conduct disruptive of the educational process and/or the social-emotional well-being of others or that substantially interferes with the teacher's authority over the classroom
- Logging in or attempting to log into an online classroom and/or meeting for which the student was not invited or permitted to attend.
- Display or use of personal electronic devices, such as, but not limited to, cell phones, iPod, digital cameras, in a manner that is in violation of District policy.

**D. Engage in conduct that is violent or threatening.**

Examples of violent behavior include but are not limited to:

- Committing an act of violence (such as hitting, shoving, kicking, punching, and scratching) upon a teacher, administrator or other school employee, students, or any other person lawfully on school property.
- Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school

function. Examples of weapons include but are not limited to guns, knives of any size, box cutters, and razors.

- Displaying what appears to be a weapon.
- Threatening to use any weapon.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- Intentionally damaging or destroying school District property.

**E. Engage in conduct that endangers the safety, morals, or physical or mental health or welfare of self or others.**

Examples of such conduct include but are not limited to:

- Recklessly engaging in conduct that creates a substantial risk of physical injury or endangering other students, school personnel, or any other person lawfully on school property or attending a school function.
- Driving recklessly or at excessive speeds on school grounds.
- Subjecting other students, school personnel or any person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
- Lying to school personnel.
- Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function or stealing or attempting to steal anything that is school property.
- 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.
- Using derogatory terms towards an individual or group of individuals.
- Discrimination, which includes using the person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, gender (including gender identity and expression), sexual orientation or sex as a basis for treating another in a negative manner or to deny them rights, equitable treatment or access to facilities, activities or benefits which are available to others.
- Harassment, as defined in the "Definitions" section of this Code of Conduct.
- Sexual harassment is prohibited by law. Unwelcome sexual advances, requests for sexual favors, or other written, oral or physical conduct of a sexual nature may constitute sexual harassment.
- Intimidation and/or threatening conduct, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Bullying, as defined in the "Definitions" section of this Code of Conduct.
- Cyberbullying, as defined in the "Definitions" section of this Code of Conduct.
- Cyberthreat, which is online material that threatens or raises concerns about violence to others, or to oneself, through direct threats or distressing material. Direct threats are actual threats to hurt another person. Distressing material is online material that provides clues indicating that the person is emotionally upset, and that the person is contemplating hurting another person, oneself or committing suicide.
- Hazing, as defined in the "Definitions" section of this Code of Conduct.



- Inappropriately using an electronic device.
- Physically detaining or restraining any other person.
- Sexting is a form of harassment and bullying that is unacceptable and inappropriate on school grounds or at school-sponsored events or functions, using either school or personal technology. Sexting includes the sending, receiving, or forwarding of sexually suggestive nude or nearly nude photos and/or sexually suggestive messages through text messages, emails, mobile applications, social media, or any other electronic means.
- Selling, using, distributing, or possessing obscene material.
- Using vulgar or abusive language, cursing or swearing, as well as slurs that refer to a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, gender (including gender identity and expression), sexual orientation or sex as a basis for treating another in a negative manner.
- Smoking a cigarette, cigar, pipe, electronic cigarette (i.e., vape), using chewing tobacco or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law or regulation).
- Possessing, consuming, selling, offering, manufacturing, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs," which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
- Possessing drug paraphernalia that includes but is not limited to rolling papers, marijuana pipes, bongs, electronic vaporizers, etc.
- Inappropriately possessing, consuming, selling, distributing, exchanging, using, or sharing prescription and over-the-counter drugs.
- Possessing and/or consuming energy drinks including but not limited to Monster, Red Bull, Rockstar, 5-hour energy, AMP, Bang, etc.
- Gambling.
- Indecent exposure, that is, exposure to the sight of private parts of the body in a lewd or indecent manner.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of "911" or discharging a fire extinguisher.
- Entering or leaving a building through unauthorized entrances.
- Letting visitors into the building.
- Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

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

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting or other conduct in violation of the

Code of Conduct will not be tolerated.

**G. Engage in any form of academic misconduct, in both physical and digital workspaces.**

Examples of academic misconduct include but are not limited to:

- Plagiarism.
- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

**X. Reporting and Documentation**

All Berlin Central School District personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School personnel who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, school psychologist, social worker, the building principal or his or her designee. Any student observing a student possessing a weapon, firearm, 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.

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 to prosecution.

The building principal or his or her designee must notify the appropriate law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of the school as soon as practical, but in no event later than the close of business the day the building principal or his or her designee learns of the violation. The notification may be made by telephone, followed by written notification on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

All discipline referrals will be entered into the student management system. Upon receiving a referral, the principal, school counselor, or team leader will address the incident with the student in a timely manner. Parents may be contacted if the incident is repetitive or significant.

**Reporting Incidents of Discrimination, Harassment, Bullying**

Students who have been bullied, harassed, and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students or staff who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable District policies.

If an incident is considered to be an act of bullying, discrimination and/or harassment, the Administrator in charge of discipline will consult the Dignity Act Coordinator (DAC). If the act is determined to be an act of bullying, discrimination and/or harassment, a formal investigation will be conducted, an incident

report is completed, and appropriate disciplinary measures taken. Contact information for the Dignity Act Coordinator (DAC) will be available on the District website.

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

## **XI. Disciplinary Responses, Interventions, Consequences, and Referrals for Students Without Disabilities**

Historically, the discipline of students in schools has focused mainly on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detentions and suspensions

However, understanding behavior as “teachable moments” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the district will employ restorative practices where appropriate. Instead of seeking punishment, restorative practices seek to ensure accountability and behavior change.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others’ opinions, and reintegrating into the school community.

Restorative Practices are interventions designed to hold students accountable for harm while addressing the needs of students, staff and the school community. Restorative practice may be defined as a way of thinking and responding to conflict and problems and one which includes all participants. Collectively, they determine a logical and balanced resolution.

Essential to the implementation of restorative justice practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;
- Be given the opportunity to learn pro-social strategies/skills to use in the future; and
- Understand the progression of more increasingly punitive consequences that may be imposed if the behavior reoccurs.

Teachers will promote daily restorative practices in their classrooms, which will continue to promote a respectful learning environment. Restorative practices implemented by teachers may include:

- Positive directives that state expectations;
- Positive and specific feedback;
- Increased teacher proximity;
- Reminders and redirection;
- “Breaks or 5-10”;
- Use of restorative questions;
- Increased opportunity to respond during instruction/engagement;
- Re-teaching and rehearsing of skill or procedure.
- Classroom circles

At times, student behavior may warrant further intervention. The following restorative practices may occur:

- Meeting with the School Counselor
- Conferencing (Student/Teacher/Family)
- Check-in plans (classroom or with school building staff)
- Phone call home
- Reflection activity
- Restrictions or removal from activities
- Mediation (offender and harmed person(s))
- Group mediation (offender, harmed person(s), supporters)
- Reading assignment and reflective paper
- Research assignment on relevant topic
- Apology – oral or written
- Behavioral contract
- Community service to school
- Cleaning up
- Payment of damages and/or repairing damage
- After school detention for problem solving
- In or Out of School Suspension with parent notification
- Suspension from transportation with parent notification

In the application of restorative principles, the process is always voluntary for the student. Any parent can request to go to the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

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

Administrators will use a range of intervention measures to address challenging behaviors, including but not limited to:

- Restorative Practices.
- Mediation.
- Counseling.
- Warning.
- Parent/guardian contact and/or involvement.
- Traditional disciplinary consequences, such as detention, etc.

Teachers will promote a respectful classroom which will continue to promote a positive learning environment. Teachers will use a range of intervention measures to address challenging behaviors, including but not limited to:

- Setting consistent and collaborative class expectations.
- Building community and culture.
- Teach and model growth mindset.
- Positive and specific feedback.
- Reminders and redirection.
- Model self-regulatory behaviors.

- Increased teacher proximity.
- Re-teaching and rehearsing of desired behavior or procedure.

Consequences and disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior and holding students responsible for their actions. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary responses, interventions and consequences will consider the following:

- The student's age and developmental level.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- Any impact on the community.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Behavior plans, safety plans and/or re-entry plans.
- Other extenuating circumstances.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

#### **A. Responses, Interventions, and Consequences**

Practices which allow educators to address disciplinary matters as opportunities for learning instead of punishment are encouraged. When choosing interventions and consequences of student's behavior, teacher, administrators, and staff must balance the District's dual goals of eliminating school disruptions and maximizing student instruction time.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, school personnel are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

Students who are offered and agree to engage in restorative practices may participate on a voluntary basis in one or more of the following measures:

- Counseling.
- Conferencing.
- Phone call home.
- Reflection activity.
- Self-assignment of restriction or removal from activity.
- Mediation.
- Reading assignment or reflective paper.
- Apology.
- Behavioral contract.
- Community service/cleaning up.
- Payment or repair damage to property.
- Other activities that repair harm.

Students who are found to have violated the Code of Conduct may be subject to one or more of the following consequences. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process:

- Oral warning, teacher/student conference, parent/guardian contact, in-class time out, brief time out of class, loss of classroom privileges - any member of District staff.
- Written warning - bus drivers, hall and lunch monitors, custodial staff, coaches, school administrators, school counselors, teachers, Principal/Administrators, Superintendent.
- Written referral to parent/guardian - bus drivers, hall and lunch monitors, custodial staff, coaches, school administrators, school counselors, teachers, Principal/Administrators, Superintendent.
- Detention - teachers, Principal/Administrators, Superintendent.
- Suspension from transportation - Director of Transportation, Principal/Administrators, Superintendent.
- Suspension from athletics and/or extracurricular activities - coaches, Principal/Administrators, Superintendent.
- Suspension from social or extracurricular activities - Activity Director, Principal/Administrators, Superintendent.
- Suspension of other privileges - Principal/Administrators, Superintendent.
- In-school suspension - Principal/Administrators, Superintendent.
- Removal from classroom by teacher - teachers, Principal/Administrators.
- Short term (five days or less) suspension from school - Principal, Superintendent, Board of Education.
- Long term (more than five days) suspension from school - Principal, Superintendent, Board of Education.
- Permanent suspension from school - Superintendent, Board of Education.
- Referral to law enforcement.

Students who are found to have violated the District's Code of Conduct may also be subject to remedial responses, including, but not limited to:

- Peer support groups.
- Assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day.
- Corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience.
- Engagement of student in reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed.
- Supportive intervention and/or mediation where constructive conflict resolution is modeled.
- Behavioral assessment or evaluation.
- Behavioral management plans or behavior contracts, with benchmarks that are closely monitored.
- Student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

## **B. Procedures**

The due process rights that a student is entitled to are dependent on the consequence being imposed. In all cases, regardless of the consequence being imposed, the school personnel authorized to impose the consequence must inform the student and the parent of the alleged misbehavior and must investigate, to the extent necessary, the facts surrounding the alleged misbehavior. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents, are entitled to additional rights before the consequence is imposed. These additional rights are explained below:

**1. *Detention:***

Teachers, principal, and the Superintendent may use during school (e.g., lunch), and after school detention as a consequence for student misbehavior in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a consequence only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has the appropriate transportation home following detention.

**2. *Suspension from Transportation:***

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misbehavior to the school administration and/or transportation supervisor's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or the Superintendent or their designees.

In such cases, the student's parents will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

**3. *Suspension from athletic participation, extracurricular activities and/or other privileges:***

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

**4. *In-school Suspension:***

The Board recognizes the school must balance the need of students to attend school with the need to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of Code of Conduct violation in “in school suspension.” The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent/guardian 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 consequence 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 manage a student’s behavior and maintain or restore control over the learning environment in 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 their composure and self-control in an alternative setting. Such practices may include but are not limited to: (1) short-term “time away”; (2) sending the student into the hallway briefly; (3) sending a student to the administrator’s office for the remainder of the class time only; or (4) sending a student to a school counselor or other District staff for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code of Conduct.

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include affective statements, using affective questions, establishing relationships with students, giving positive directives that state expectations, and giving positive and specific feedback, etc.

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

Teacher removal of a disruptive pupil. Any teacher shall have the power and authority to remove a disruptive pupil, from such teacher’s classroom consistent with discipline measures contained in the code of conduct adopted by the board. Nothing shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. 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 they are being removed and an opportunity to explain their 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 they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a District-established disciplinary removal form and meet with the Principal or 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 parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that they have the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

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

The Principal may require the teacher who ordered the removal to attend the informal conference.

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

The Principal or the 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 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. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal or the Principal's designee 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 they are 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 their class. The Principal must keep a log of all removals of students from class.

#### **6. *Suspension from School:***

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others, commit an illegal substance offense, or are repeatedly substantially disruptive or for whom restorative practices have not been effective.

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive or whose conduct otherwise endangers the safety, health or welfare of others.

Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the 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 (five days or fewer) 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 fewer 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/guardians 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/guardians. 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/guardians.

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/guardians 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/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents/guardians in writing of their decision. The Principal shall advise the parents/guardians 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 ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (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 of Education within thirty (30) days of the decision.

**b. Long term (more than five days) Suspension from school**

When the Superintendent determines that a suspension for more than five (5) days may be warranted, they shall give reasonable notice to the student and the student's parents/guardians of their right to a fair hearing. The student will receive adequate notice of the charges and an explanation of the basis for the suspension. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, at their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. 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, which 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 thirty (30) days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances preclude 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 of Education within thirty (30) days of the decision.

**c. Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

**d. Procedure After Suspension**

The Board may condition a student's early return from a suspension on the student's voluntary participation in a restorative conference, counseling or specialized classes, such as anger management or dispute resolution. The Superintendent or Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed.

**C. Minimum Periods of Suspension**

***1. Students who bring or possess a firearm on school property***

Any student found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property may be subject to suspension from school for at least one calendar year, unless the Superintendent determines that a lesser suspension is warranted. 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 impose a suspension of less than one calendar year, the Superintendent may consider the following:

- The student's age;
- The student's grade in school;
- The student's prior disciplinary record;
- The Superintendent's belief that other forms of discipline may be more effective;
- Input from parents/guardians, teachers and/or others;
- Other extenuating circumstances
- A student with a disability may be suspended in accordance with the requirements of state and federal law.

***2. Students who commit violent acts other than bringing or possessing certain weapons on school property***

Any student who is found to have committed a violent act, other than bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, shall be subject to suspension from school for at least five days. If the proposed consequence 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 consequence 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 consequence, 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 who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom may be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum five-day suspension, the student and the student's parent/guardian 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 consequence 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 consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**D. 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 they require 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. Being ungovernable, or habitually disobedient, and beyond the lawful control of the school;
- c. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or
- d. Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

For items 'a' and 'b' above, when filing the petition, the District must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

### ***3. Juvenile Delinquents and Juvenile Offenders***

For students found to have brought a weapon (defined in 18 USC §930(g)(2)) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

- a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:

All students under age 16, except students age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law §1.20(42).

- b. To the appropriate law enforcement authorities:

All students age 16 or older, and all students age 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law §1.20(42).

### ***4. Outside Service Agency***

Depending upon the age of the student, the type of violation and the severity and/or chronic nature of the violation, the District may seek, or the District may suggest that the student seek, assistance from another outside community service agency. Such community service agencies may include, but are not limited to, mental health agencies and providers, probation, family court. And drug and alcohol treatment centers.

## **XII. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

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

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violated the District's student Code of Conduct, and/or to temporarily remove a student with disabilities who violates the District's student Code of Conduct, and/or temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. This will be a sparingly used option and staff will employ conflict resolution meetings, as appropriate for a particular student. Restorative practices will be considered in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions, those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the District follows suspension and removal procedures that are consistent with those protections. The Code for students is intended to afford students

with disabilities and students presumed to have a disability for discipline purposes, the express rights they enjoy under applicable law and regulations.

For the purpose of this portion of the Code of Conduct, and consistent with applicable law and regulations, the following terms shall have the following meanings:

**Behavioral intervention plan** means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

**Committee on special education or CSE** means a committee on special education, subcommittee on special education, or other multidisciplinary team established in accordance with Education Law section 4402 or, in the case of a preschool student with a disability, the committee on preschool special education.

**Controlled substance** means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC §812(c)).

**Disciplinary change in placement** means a suspension or removal from a student's current educational placement that is either:

(1) for more than ten (10) consecutive school days; or

(2) for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Expedited due process hearing** means an impartial hearing conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.11 of Title 8 of the Commissioner's regulations.

**Expedited evaluation** means an individual evaluation conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.6 of Title 8 of the Commissioner's regulations.

**Functional behavioral assessment** means a functional behavioral assessment as defined in section 200.1(r) of Title 8 of the Commissioner's regulations.

**Illegal drug** means a controlled substance but does not include a controlled substance legally possessed or under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

**Impartial hearing officer** means an impartial hearing officer as defined in section 200.1(x) of Title 8 of the Commissioner's regulations who is appointed to conduct an impartial hearing or expedited due process hearing pursuant to Education Law section 4404(1). Such term shall not include a hearing officer designated by a superintendent of schools to conduct a superintendent's hearing pursuant to Education Law section 3214(3)(c).

**Interim alternative educational setting or IAES** means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall:

- (1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
- (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

**Removal** means:

- (1) a removal of a student with a disability for disciplinary reasons from that student's current educational placement, other than a suspension as defined in subdivision (r) of section 200.1 of Title 8 of the Commissioner's regulations; and
- (2) the change in placement of a student with a disability to an IAES by an impartial hearing officer pursuant to section 201.8 of Title 8 of the Commissioner's regulations. Such term shall also include the change of placement of a student with a disability to an IAES pursuant to section 201.7(e) of this Title 8 of the Commissioner's regulations made in conjunction with a suspension.

**School day** means any day, including a partial day, that students are in attendance at school for instructional purposes.

**Serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

**Student presumed to have a disability for discipline purposes** means a student who the District is deemed to have knowledge of was a student with a disability before the behavior that precipitated disciplinary action under the criteria in section 201.5(b) of Title 8 of the Commissioner's regulations.

**Student with a disability** means a student with a disability as defined in section 200.1(zz) of Title 8 of the Commissioner's regulations or a preschool student with a disability as defined in section 200.1(mm) of Title 8 of the Commissioner's regulations.

**Superintendent's hearing** means a disciplinary hearing conducted pursuant to Education Law section 3214(3)(c) and (g) by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

**Suspension** means suspension pursuant to Education Law section 3214(3)(a) through (d).

**Weapon** means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocketknife with a blade of less than two and one-half inches in length.



## **A. Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the District's jurisdiction; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the District's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

## **B. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined

in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

### **C. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability; or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the District's Code of Conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

### **D. Parental Notification of a Disciplinary Change of Placement**

The District will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student Code of Conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

### **E. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

### **F. Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability; or
2. The direct result of the District's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the District will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the District had already done so prior to the behavior that resulted in the disciplinary change of placement occurring. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the District agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the District's failure to implement the student's individualized education program, the District will take immediate steps to remedy those deficiencies.

#### **G. Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the District will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the District will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in

consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the District will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the District will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

#### **H. Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehavior has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the District is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the District had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The District will be deemed to have had such knowledge if:

1. The student's parents expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the District's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the District's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or

3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the District receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the District will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the District which can include suspension.

#### **I. Expedited Due Process Hearings**

The District will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The District 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;
2. The District 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The District will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the District believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the District agree otherwise.

#### **J. Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, the District will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

#### **XIV. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided in the next subsection. 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, staff member, 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, power and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of reasonable physical force with the Commissioner of Education in accordance with Commissioner's regulations, written semiannual reports setting forth the substance of each complaint concerning the use of corporal punishment, the result of each investigation, and the action, if any, taken by school authorities in each case.

#### **XV. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence 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.

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and District security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

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

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

Whenever practicable, searches will be conducted in the privacy of administrative offices and 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.

**B. Strip searches**

A strip search is a search that requires a student to remove any or all of their clothing other than an outer coat or jacket. In general, the Board prohibits District staff from conducting strip searches of students. If, under extraordinary or emergency circumstances that give rise to an immediate and significant threat to the safety of one or more students or employees, a school official believes it is necessary to conduct a strip search of a student, the District will make a determination in consultation with the school attorney.

No employee may conduct a strip search of a student without the express prior permission of the Superintendent of Schools. In the absence of the Superintendent of Schools, the school attorney must be consulted in advance.

In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record, the quality of the knowledge that lead to the reasonable suspicion and the need for such a search.

Any strip search must be conducted by an authorized school official of the same sex as the student, in the presence of another District professional employee also of the same sex as the student.

The District will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

**C. Treatment of Cell Phones**

The District is authorized to monitor, inspect, and/or confiscate student cell phones that are being used in violation of the Code of Conduct and the Student Use of Personal Technology Policy. Teachers and administrators can request the student's cooperation to search the cell phone. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

**D. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Reasons for the search;

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

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

#### **E. 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.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or his or her designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. They must be informed of their legal rights;
2. They may remain silent if they so desire; and
3. They may request the presence of an attorney.



## **XVI. Visitors to the School**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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 enter through the designated single point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, 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 Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected 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.

## **XVII. Public Conduct on School Property**

The District is committed to providing an engaged and empowered environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to require respectful 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 District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The restrictions on public conduct on school property and at school functions contained in this Code of Conduct are not intended to limit freedom of speech or peaceful assembly. 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 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, deface 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 and 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 any person discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), creed, color, weight, national origin, ethnic group, religion, religious practice, age, disability, sex, sexual orientation, marital status, military status, predisposing genetic characteristics, domestic violence victim status, or gender (including gender identity and expression);
7. Enter any portion of the school premises without authorization, or remain in any building or facility without authorization after it is normally closed;
8. Obstruct the free movement of any person in any place to which this Code applies;
9. Violate the traffic laws, parking regulations or other restrictions on vehicles;
10. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of any on school property or at a school function;
11. 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;
12. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (including cannabis products) or smoke cannabinoid hemp.
13. Gamble on school property or at school functions;
14. Refuse to comply with any reasonable order by identifiable school district officials performing their duties;
15. Willfully incite others to commit any of the acts prohibited by this Code;
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function; or
17. Harass District staff, students, or other visitors.

## **B. Consequences**

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

1. Visitors. 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 visitors refuse to leave, they shall be subject to ejection and may be barred from school or District property for an additional period of time as determined by the Superintendent. In addition, if warranted, the District reserves its right to pursue civil or criminal legal action against any person violating the Code;
2. Students. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements;
3. Staff. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights afforded;
4. Staff members in the classified service of the civil service. They shall be entitled to the protection of Civil Service Law § 75 and shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights afforded;
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with their legal rights.

## **C. Enforcement**

The purpose of this Code of Conduct is to maintain public order and prevent abuse of the rights of others. The Principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

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.

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall:

1. Inform the individual that he/she is engaging in prohibited conduct;
2. Attempt to persuade the individual to stop the prohibited activity;
3. Warn the individual of the consequence for failing to stop;

If the person refuses to cease the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his or her designee shall have the individual removed immediately from school property or the school function.

If necessary, the principal may contact local law enforcement authorities for assistance.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the “Consequences” section above. In addition, the District reserves the right to pursue civil or criminal legal action against any person violating the Code.

## **XVIII. Dissemination and Review**

### **A. Dissemination**

Further elucidating some of the points in the Board Policy, the Board will ensure community awareness of its Code of Conduct by:

1. Posting the complete Code of Conduct on the District website and social media platforms, including any annual updates and other amendments to the Code;
2. Providing copies of an age-appropriate, written in plain language, summary of the Code of Conduct to all students and families at the beginning of the school year;
3. Providing each existing teacher and other staff members with a copy of the complete Code of Conduct and a copy of any amendments as soon as practicable following initial adoption or amendment. All new teachers will be provided a complete copy of the current Code of Conduct upon their employment; and
4. Making complete copies available for review by students, parents/guardians, other school staff, and other community members.

The Board may sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the District’s professional development plan, as needed.

### **B. Review**

The Board will review this Code of Conduct once a 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. Before adopting any revisions to the Code of Conduct, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested parties may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

## **XIX. Berlin CSD Board Policy 3410**

SUBJECT: CODE OF CONDUCT

The District has developed and will amend, as appropriate, a written Code of Conduct for the maintenance of order on school property and at school functions. The Code will govern the conduct of students, teachers, and other school personnel, as well as visitors and vendors. The Board will further provide for the enforcement of this Code of Conduct.

For purposes of this policy, and the Code of Conduct, school property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function means a school-sponsored extracurricular event or activity regardless of where the event or activity takes place.

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The District Code of Conduct will be adopted by the Board only after at least one public hearing that provides for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties.

The District Code of Conduct will be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee to facilitate review of its Code of Conduct and the District's response to violations. The Board will reapprove any updated Code of Conduct or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties. The District will file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the commissioner, no later than 30 days after their respective adoptions.

The Board will ensure community awareness of its Code of Conduct by:

- a. Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;
- b. Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c. Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d. Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments as soon as practicable following initial adoption or amendment. New teachers will be provided a complete copy of the current Code of Conduct upon their employment; and
- e. Making complete copies available for review by students, parents, or persons in parental relation to students, other school staff, and other community members.