



BERLIN MIDDLE HIGH SCHOOL

CODE OF CONDUCT

2026-2027

Home of the Mountaineers

BERLIN MIDDLE HIGH SCHOOL

22 Cherry Plain Square
Berlin, New York 12022
(518) 658-1500

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I. Introduction, Purpose, Scope, and Legal Authority

A. Introduction

Berlin Central School District is committed to maintaining a high standard of education for every student. Order, safety, dignity, and consistent expectations are essential to effective teaching and learning. An orderly educational environment requires the cooperation and commitment of students, families, teachers, support staff, administrators, the Board of Education, and the community.

This Code clearly identifies individual rights and responsibilities, defines acceptable and prohibited conduct, explains available supports and disciplinary responses, and establishes procedures intended to be fair, firm, reasonable, proportionate, and consistent. Its central purpose is not punishment. Its purpose is to protect access to education, teach responsible behavior, preserve safety, repair harm when practicable, and help students become respectful, responsible, and caring members of the school and community.

The District recognizes that discipline is a shared responsibility among school, home, and community. Effective implementation depends on clear communication, early intervention, family partnership, appropriate support, due process, and individualized decision-making. Student safety and the social, emotional, physical, and academic growth of students are primary considerations.

This Code is intended to comply with the Safe Schools Against Violence in Education Act (Project SAVE), the Dignity for All Students Act (DASA), Education Law §§2801, 2803, and 3214, applicable Commissioner's regulations, federal civil-rights laws, and federal and State disability laws. It applies to in-person instruction and to remote or electronic conduct when the District has lawful authority to respond.

B. Purpose and Guiding Principles

- Expectations will be taught, modeled, reinforced, and applied in an age-appropriate manner.
- Discipline will be timely, fair, proportionate, progressive when appropriate, and based on the individual facts.
- Prevention, education, intervention, accountability, repair of harm, and successful re-entry are preferred when they can be used safely and lawfully.
- Exclusionary discipline will not be used more than necessary to protect safety, preserve order, or respond to serious or repeated misconduct.
- Students will receive the due process and disability protections required by law.
- Administrators retain lawful discretion. Discipline charts are guides, not automatic penalties or contractual rights.

C. Application

- On school property, including District buildings, classrooms, fields, playgrounds, parking areas, land within District boundaries, and school buses.
- At any school-sponsored or school-authorized function, activity, trip, athletic contest, program, ceremony, or event, regardless of location.
- To off-campus or electronic conduct when it has a direct and substantial relationship to school, substantially disrupts or foreseeably risks substantial disruption of the school environment, threatens safety or rights, or otherwise falls within applicable law or Board policy.

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- To conduct involving District technology, networks, accounts, records, transportation, or property, regardless of where the conduct occurs.

D. Legal and Policy Hierarchy

Building rules, handbooks, athletic rules, transportation rules, technology rules, and classroom expectations may supplement this Code but may not conflict with it. When a conflict exists, controlling federal or State law, Commissioner's regulations, a student's IEP or Section 504 plan, and Board policy govern as applicable.

II. Definitions

For purposes of this Code, the following definitions apply. Statutory and regulatory definitions control when they differ from a summary below.

Term	Definition
Board or BOE	The Berlin Central School District Board of Education.
Bullying	Conduct, threats, intimidation, or abuse—including cyberbullying—that creates a hostile environment under DASA or otherwise harms, intimidates, or substantially interferes with a student's education or well-being.
Cyberbullying	Harassment or bullying through electronic communication, including social media, messaging, images, recordings, gaming, or digital platforms.
Detention	A non-suspension disciplinary consequence requiring a student to report to a supervised location during lunch, a free period, or before or after the regular school day for a reasonable period. Detention may include reflection, completion of work, reteaching, restorative activity, or another lawful assignment. Parent notice and transportation will be provided as required by law and District procedure.
Disciplinary change in placement (DCIP)	For a student with a disability, a suspension or removal for more than 10 consecutive school days, or a series of shorter removals that totals more than 10 school days in a school year and forms a pattern based on similarity, length, total time removed, and proximity of removals.
Discrimination	Unlawful negative treatment, denial of rights or access, or creation of a hostile environment based on an actual or perceived protected characteristic.
Disruptive pupil	A student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
Dignity Act Coordinator (DAC)	The employee is designated to coordinate the District's response to DASA concerns and provide consultation and support.

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Term	Definition
Energy drink	A beverage or concentrated energy shot marketed to increase energy or alertness and containing caffeine or other stimulant ingredients. Examples include Monster, Red Bull, Celsius, Bang, 5-hour Energy, and substantially similar products. Ordinary foods or beverages served or approved by the District are not included unless separately restricted.
Firearm	A firearm as defined by the federal Gun-Free Schools Act and incorporated into Education Law §3214. The statutory firearm definition is narrower than the Code's general definition of weapon.
Harassment	Conduct, threats, intimidation, or abuse that creates a hostile environment, including conduct based on an actual or perceived protected characteristic.
Hazing	An initiation, affiliation, or membership activity that endangers physical or mental health, humiliates, intimidates, or abuses a student, regardless of consent.
IEP	Individualized Education Program developed by the Committee on Special Education (CSE).
Individual Behavior Support Plan	A written, collaborative plan identifying target behaviors, prevention strategies, supports, replacement skills, incentives, responses, responsible staff, data review, and re-entry or progress-monitoring procedures. It does not replace an IEP, FBA, BIP, or Section 504 plan.
Interim alternative educational setting (IAES)	A temporary educational placement other than the student's current placement in which a student with a disability continues to receive services sufficient to participate in the general curriculum, progress toward IEP goals, and receive appropriate behavioral assessment and intervention.
Internet-enabled device	A smartphone, tablet, smartwatch, or other device capable of connecting to the internet and enabling access to internet content, including social media. District-supplied devices used for an educational purpose are excluded.
Manifestation determination review (MDR)	A legally required meeting to determine whether the conduct leading to a disciplinary change in placement was caused by, or had a direct and substantial relationship to, the student's disability, or was the direct result of the District's failure to implement the IEP.
Parent/guardian	A parent or person in parental relation as defined by applicable law.

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Term	Definition
Pendency or stay-put	The placement rule that generally maintains a student with a disability in the then-current educational placement during a due-process dispute, subject to special disciplinary rules. During certain appeals involving an IAES, the student remains in the IAES until the hearing decision or expiration of the authorized removal period, unless the parent and District agree otherwise.
PINS	Person in Need of Supervision: a person under age 18 who meets the criteria in Family Court Act Article 7, including not attending school as required or being ungovernable or habitually disobedient and beyond lawful control. PINS referral ordinarily follows required diversion and support efforts.
Removal	A teacher's discontinuation of a disruptive student's presence in the teacher's classroom under Education Law §3214 and this Code.
Restorative practice	A structured, voluntary process intended to help a student understand impact, accept responsibility, repair harm, rebuild relationships, and return successfully. It may not replace a required investigation or be used to pressure a harmed person.
School day	The entire instructional day, including homeroom, lunch, study halls, passing time, and other instructional and non-instructional time.
School function	A school-sponsored or school-authorized extracurricular event or activity, regardless of location.
School property	A District building, structure, field, playground, parking area, land within the District boundary, or school bus, as applicable to the governing law.
Section 504 plan	A plan developed under Section 504 of the Rehabilitation Act to provide eligible students equal access and accommodations.
Serious bodily injury	The federal definition is incorporated into IDEA discipline law, including substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member, organ, or mental faculty.
Suspension	A temporary exclusion imposed by an authorized school official from regular classes, school attendance, transportation, activities, or privileges, subject to the applicable legal procedures.

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Term	Definition
Violent pupil	A student under age 21 who commits an act identified in Education Law §3214(2-a), including specified acts of violence, threats with weapons, possession or display of weapons, or intentional damage or destruction of property.
Weapon	A firearm, knife, explosive, ammunition, dangerous instrument, look-alike weapon, or other object used, intended, or readily capable of causing physical injury or death.

III. Student Rights and Responsibilities

A. Student Bill of Rights

Students Have the Right To	Students Are Responsible For
A safe, supportive, orderly learning environment.	Attend regularly, arrive on time, be prepared, and follow lawful directions.
Fair, dignified, and respectful treatment.	Treat students, staff, visitors, and property with dignity and respect.
Equal access to District programs without unlawful discrimination or harassment.	Help maintain an environment free from bullying, harassment, discrimination, retaliation, threats, and violence.
Expression of opinions when it does not substantially disrupt school or infringe the rights of others.	Use language, gestures, clothing, technology, and expression responsibly.
Notice of expectations and legally required due process.	Be truthful during investigations, present relevant information, and accept lawful consequences.
Privacy protections under applicable law, including FERPA.	Respect the privacy and dignity of others, including in recordings and electronic communications.
Access to educational programming during removals or suspensions as required by law.	Complete assigned work and participate in re-entry or support planning.

IV. Essential Partners and Shared Responsibilities

Partner	Primary Responsibilities
Parents/Guardians	Support attendance and punctuality; ensure readiness; keep contact information current; review expectations; communicate respectfully; participate in conferences, intervention planning, and re-entry when practicable; notify the school of circumstances affecting the student.

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Partner	Primary Responsibilities
Teachers and Staff	Maintain a respectful climate; teach and enforce expectations fairly; supervise assigned areas; address minor conduct early; document interventions; report safety, DASA, Title IX, weapons, substance, attendance, and mandated-reporting concerns promptly; maintain confidentiality.
Counselors, Social Workers, Psychologists, Nurses, and Support Personnel	Provide prevention, intervention, referral, re-entry, academic, attendance, behavioral, health, and social-emotional support; collaborate with families and staff; fulfill safety and reporting duties.
Administrators	Investigate fairly; provide due process; select lawful interventions; protect safety; implement DASA, Title IX, suspension, alternative-instruction, special-education, Section 504, restraint, search, attendance, and reporting procedures; maintain records.
Superintendent	Supervise consistent implementation; ensure staff training; review serious discipline; conduct or designate hearings; decide appeals within delegated authority; advise the Board; ensure required reports and filings.
Board of Education	Adopt and annually review the Code after required participation and hearing; evaluate fairness and effectiveness; establish policy; provide resources; ensure public access and required filing.
Students	Attend, be punctual, prepare to learn, follow lawful directions, report safety concerns, respect others and property, use supports, and accept responsibility.

V. DASA, Nondiscrimination, Title IX, and Reporting

A. Prohibited Conduct and Protected Characteristics

The District prohibits harassment, bullying, cyberbullying, discrimination, intimidation, and retaliation by students or employees on school property, at school functions, and in off-campus circumstances covered by DASA. The District also prohibits sex discrimination and sexual harassment under Title IX and other conduct prohibited by federal or State civil-rights law and Board policy.

DASA protects students from conduct based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity or expression, or sex. Race includes traits historically associated with race, including hair texture and protective hairstyles such as braids, locks, and twists. Other laws may protect additional characteristics or conduct.

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B. Reporting

- A student, parent/guardian, staff member, or community member may report verbally or in writing to any teacher, counselor, administrator, Dignity Act Coordinator, Title IX Coordinator, or other employee. Anonymous reports will be reviewed, although anonymity may limit the District's ability to investigate.
- Any employee who observes or receives information about possible harassment, bullying, cyberbullying, discrimination, or retaliation must promptly report it to an administrator or Dignity Act Coordinator under District procedures.
- Any employee who receives information about possible sex discrimination or sexual harassment must promptly report it to the Title IX Coordinator.
- Call 911 or notify the Main Office immediately for an imminent threat, weapon, serious injury, fire, or other emergency.

C. District Response

- The District will review reports promptly, take immediate safety and supportive measures as appropriate, and investigate under applicable procedures.
- When misconduct is substantiated, the District will take reasonably calculated steps to stop the conduct, prevent recurrence, address effects, support affected persons, and impose lawful corrective or disciplinary action.
- Restorative practices will not pressure a target or complainant, compromise safety, delay a required investigation, or replace required DASA or Title IX procedures.
- Retaliation against a person who in good faith reports, participates in an investigation, opposes prohibited conduct, or supports another person is prohibited.
- Information will be shared only with persons who have a legitimate educational, safety, legal, or operational need. Complete confidentiality cannot be promised.

District DASA Coordinator	David Bernsley, BMHS Principal	(518) 658-1500 x1005/ dbernsley@berlincentral.org
BMHS DASA Coordinator	Meghan Reynolds, BMHS Assistant Principal	(518) 658-1500 x1161/ mreynolds@berlincentral.org
District Title IX Coordinator	Collen Mills, School Business Official	(518) 658-1500/ cmills@berlincentral.org

VI. Student Dress Code, Backpacks, and Physical Education Attire

A. General Dress Expectations

Students may dress and groom themselves in a manner consistent with comfort, identity, culture, religion, and self-expression, subject to reasonable requirements for health, safety, identification, and an orderly educational environment. The dress code will be enforced consistently, without discrimination, body shaming, or unnecessary loss of instructional time.

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- Clothing must include a top and bottom or equivalent garment, footwear, and opaque coverage of private areas.
- Protective footwear, clothing, or equipment may be required in laboratories, technology classes, shops, physical education, athletics, or other safety-sensitive settings.
- Clothing, accessories, or items may not create a health or safety hazard; be reasonably capable of use as a weapon; materially or substantially disrupt school; conceal identity except for lawful medical, disability, safety, cultural, or religious reasons; or contain vulgar, obscene, threatening, discriminatory, or harassing content.
- Items may not promote illegal drugs, alcohol, tobacco, nicotine, vaping, violence, criminal conduct, gangs, or hate groups in a manner that violates law, constitutes harassment or threat, or substantially disrupts school.
- Nothing in this Code restricts protected expression of gender identity, religious observance, cultural identity, or hairstyles historically associated with race.

B. Backpacks and Bags

Backpacks, drawstring bags, and large bags must be stored in lockers or designated areas during the school day unless authorized by an administrator or required by a student's IEP, Section 504 plan, health plan, medical need, or other lawful accommodation. Small personal items may be carried only as permitted by building procedures. The District may provide an alternative carrying method when appropriate.

C. Physical Education Changing and Attire Requirement

Students are required to change from the clothing worn during the regular school day into clothing appropriate for physical education. Appropriate attire includes shorts, stretch pants, sweatpants, a T-shirt, or a sweatshirt. Athletic sneakers and socks are required for participation in physical activity unless otherwise authorized through a documented medical or other approved accommodation.

Students who do not change into appropriate attire or wear the required footwear and socks may not participate in physical activity. When available, the District will provide appropriate clothing, sneakers, or socks to a student who does not have the required items. These items will be provided without embarrassment, shaming, or financial penalty.

A student who is unable to participate for a legitimate medical reason or because of an approved accommodation will complete an appropriate alternative assignment in accordance with course procedures.

A student who refuses to change after appropriate clothing and footwear have been offered will not receive participation credit for that class and may not make up the missed class or participation credit. Repeated refusal to change will be addressed through parent or guardian contact, problem-solving interventions, and progressive discipline. Any disciplinary response will be based on the student's refusal to follow a lawful and reasonable class requirement—not on the student's body type, identity, financial circumstances, or other protected characteristic.

The District will provide reasonable disability, medical, religious, cultural, gender-related, and privacy accommodations, including access to a private changing location when appropriate.

D. Enforcement

Dress concerns will be addressed privately and respectfully. A student may be asked to cover, remove, or replace an item, and the school will provide reasonable assistance when practicable. Repeated or deliberate refusal to comply with a lawful direction may be addressed under progressive discipline. The response

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will be based on noncompliance, safety, or disruption, not the student's body, identity, or protected expression.

VII. Attendance, Punctuality, Chronic Absenteeism, and PINS

A. Attendance Matters

Regular attendance and punctuality are fundamental conditions for academic progress, belonging, and successful graduation. Every missed day or class reduces access to direct instruction, teacher feedback, collaborative learning, intervention, counseling, activities, and relationships. NYSED defines chronic absenteeism as missing 10 percent or more of the days a student is enrolled, typically about 18 days in a 180-day year, whether absences are excused or unexcused for accountability purposes.

RESEARCH-BASED ATTENDANCE FACTS

NYSED reports that students with high rates of absenteeism are at the greatest risk of falling behind and dropping out. Chronic absence is measured at 10 percent of enrolled school days. The District will use attendance data as an early-warning indicator and respond with support, communication, problem-solving, and accountability.

B. Student and Family Responsibilities

- Students must attend every scheduled school day and assigned class unless legally excused; arrive before the start of school and before the bell for each class; remain in assigned areas; and follow sign-in, sign-out, pass, and documentation procedures.
- Parents/guardians must ensure regular and timely attendance, notify the school of absences, provide documentation when required, maintain current contact information, and participate in conferences and support planning.
- Students must make up missed work and use available academic supports. Excused absence does not eliminate the responsibility to complete course requirements.

C. Schoolwide Attendance Supports

- Daily attendance review and prompt family notification of unexplained absence or repeated tardiness.
- Attendance conversations, student check-ins, mentoring, counseling, academic assistance, health support, transportation problem-solving, and coordinated family outreach.
- Individual attendance improvement plans identifying barriers, goals, responsible persons, progress checks, incentives, and escalation steps.
- Team review through MTSS, child-study, pupil-personnel, 504, CSE, McKinney-Vento, or other appropriate processes.
- Referral to community services, county diversion, probation, or PINS processes when legal criteria and District procedures are met and earlier interventions have not resolved the concern.

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D. Progressive Response to Tardiness to School

Frequency	Progressive Response
1–2 unexcused tardies in a marking period	Issue a reminder, document the incident, identify any family or transportation barriers, and provide instructions for missed entries.
3–4	Student conference; parent/guardian notification; review attendance expectations; assign a reasonable make-up or lunch/administrative detention when appropriate.
5–7	Parent conference; attendance improvement plan; counselor/MTSS referral; repeated detention or loss of noninstructional privilege when lawful.
8–10	Administrative review; individualized supports; check-in/check-out; possible in-school consequence for willful noncompliance; Pre-PINS/diversion consultation where appropriate.
11 or more / continuing pattern	Formal attendance intervention meeting; agency or diversion referral; possible PINS process when criteria are met; other lawful discipline for willful misconduct. Absence or tardiness caused by disability, housing instability, transportation failure, or another protected circumstance will be addressed through appropriate support and accommodation.

E. Progressive Response to Late Arrival to Class

Occurrence	Progressive Response
1st	Teacher reminder and private conference; verify the student had sufficient passing time.
2nd	Teacher documentation and parent/guardian contact; reteach route and passing-time expectation.
3rd	Teacher detention or lunch detention; counselor check-in if a barrier is identified.
4th	Administrative referral; administrative detention; parent conference; supervised transition or pass restriction when appropriate.
5th and subsequent	Behavior/attendance plan, repeated detention, loss of passing privilege, in-school suspension for persistent willful noncompliance when warranted, and escalating support/referral. Class cutting or leaving an assigned area may be treated more seriously than tardiness.

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Administrators may combine occurrences across classes when the pattern demonstrates schoolwide noncompliance. Teachers should not refer a student for tardiness caused by a documented late release, approved accommodation, safety issue, or staff direction.

E. PINS: Definition and Process

A Person in Need of Supervision (PINS) is a person under age 18 who meets the statutory criteria in Family Court Act Article 7, including failure to attend school as required or being ungovernable or habitually disobedient and beyond lawful control. A PINS referral is not an automatic punishment for a specific number of absences or discipline referrals.

1. The District documents attendance, behavior, family contacts, interventions, accommodations, and barriers.
2. The school convenes a problem-solving meeting and uses available school-based supports and an attendance or behavior plan.
3. When concerns continue and statutory criteria may be present, the District may refer the family to the county's designated diversion or probation service. Diversion attempts to resolve the matter and connect the student and family with services without court action.
4. A PINS petition may be considered only after required diversion efforts and when the facts and law warrant. Family Court—not the school—determines whether the student is a person in need of supervision and what disposition is appropriate.
5. PINS, school discipline, special-education procedures, child-welfare duties, and criminal or juvenile proceedings are separate processes. The District will not use PINS to avoid providing legally required supports or accommodations.

VIII. Internet-Enabled Devices and Technology

A. Purpose

To maintain an environment conducive to learning for grades 6–12, the use of internet-enabled devices by students is prohibited during the school day anywhere on school grounds.

B. Definitions

“Internet-enabled devices” shall mean and include any smartphone, tablet, smartwatch, or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications; provided, however, that “internet-enabled devices” shall not include internet-enabled devices supplied by the school district or board of cooperative educational services that are used for an educational purpose.

“School day” is defined as the entirety of the instructional day as required under New York State Education Law, including all periods such as homeroom, lunch, recess, study halls, and passing time.

“School grounds” shall mean in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of the school buildings.

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C. Method for Contacting Students During the School Day

Parents/guardians may call the Berlin Middle High School Main Office at 518-658-1500 when it is necessary to contact a student during the school day. Students may come to the Main Office to call a parent/guardian throughout the school day. The District will provide written notice of this method at the beginning of each school year and upon enrollment.

D. On-Site Storage

Students must store internet-enabled devices in designated lockers provided by the District. Each student is assigned a locker and a lock. Devices must be turned off and remain inaccessible during the school day.

E. Authorized Use

The Building Principal may authorize student use of internet-enabled devices during the school day on school grounds for the following reasons:

- When authorized by a teacher or administrator for a specific educational purpose.
- When necessary for the management of a student's healthcare.
- In the event of an emergency.
- For translation services.
- Where required by law.

The District will allow use when included in a student's IEP or Section 504 plan. The District may also consider a case-by-case caregiver exception consistent with Education Law §2803 and District procedure.

F. Student Responsibility and District Liability

Students are responsible for the security of personal electronic devices brought to school. The District is not responsible for lost, stolen, damaged, or unauthorized use of personal internet-enabled devices and is not liable for claims, losses, damages, suits, expenses, or costs arising from a student's possession or use of a personal device, to the extent permitted by law.

G. Progressive Response to Device Violations

Occurrence	Response
1st violation	Reminder; device surrendered to designated staff and secured until the end of the day; student retrieves it; incident documented.
2nd violation	Device secured; parent/guardian notified; parent/guardian retrieval may be required; teacher or administrative detention.
3rd violation	Device secured; parent conference; administrative detention; individualized storage/check-in plan.
4th and subsequent	Behavior plan; repeated detention; loss of noninstructional privileges; in-school consequence for related insubordination or repeated disruption; re-entry/storage agreement.
Refusal to surrender / concealment / repeated defiance	Treated as separate insubordinate or disruptive conduct based on the refusal and resulting disruption. Staff will not physically struggle with a student over a device except as necessary to address an imminent safety emergency.

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No student will be suspended solely because the student accessed an internet-enabled device in violation of Education Law §2803. Discipline for separate conduct, such as refusal to follow a lawful direction, threats, harassment, unauthorized recording, academic dishonesty, or substantial disruption, will be based on that separate conduct and due process.

H. Acceptable Use and Other Technology

- District devices, accounts, networks, and software are for authorized educational and operational purposes.
- Students may not bypass filters or controls, access accounts or systems without authorization, damage or alter data, distribute private or intimate material, impersonate others, use technology for harassment or threats, or use artificial intelligence contrary to assignment rules.
- Earbuds/headphones, cameras, gaming devices, non-internet-enabled phones, and similar personal technology are subject to the same storage and authorization expectations when their possession or use disrupts instruction, safety, or school operations.

IX. Prohibited Student Conduct

Students may be subject to intervention or discipline for conduct that violates this Code. The examples are illustrative, not exhaustive, and must be applied consistently with constitutional rights, DASA, disability law, due process, and Board policy.

Category	Illustrative Examples
Disorderly conduct	Unsafe running or horseplay; unreasonable noise; profanity, vulgar or lewd language or gestures; disruption of school operations; trespass; unauthorized presence; unauthorized use or display of personal technology.
Insubordinate or disruptive conduct	Failure to follow reasonable directions; persistent noncompliance; disrespect that materially disrupts school; tardiness; skipping class; leaving class, school, or assigned areas without permission; interference with instruction or staff authority.
Violent or threatening conduct	Hitting, shoving, kicking, punching, biting, scratching, spitting, fighting, assault, threats, intimidation, stalking, arson, major vandalism, reckless endangerment, or encouraging, arranging, recording, or distributing a fight or attack.
Weapons and dangerous items	Possessing, displaying, using, transferring, or threatening to use a firearm, knife, explosive, ammunition, dangerous instrument, look-alike weapon, or item used or intended to cause injury, except as lawfully authorized.

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Category	Illustrative Examples
Safety, health, morals, and welfare	Theft; extortion; hazing; gambling; indecent exposure; sexual misconduct; unauthorized recording or distribution of private or intimate images; false fire or emergency reports; misuse of alarms, extinguishers, safety equipment, cameras, or access controls; unauthorized entry; reckless driving.
Harassment, bullying, discrimination, and retaliation	DASA, Title IX, hate-based, disability-based, sexual, racial, religious, gender-based, or other prohibited targeting; cyberbullying; repeated intimidation; retaliation for reporting or participation.
Substances and related items	Possession, use, distribution, sale, transfer, or being under the influence of alcohol, cannabis, illegal drugs, controlled substances, unauthorized medication, tobacco, nicotine, vaping products, or drug paraphernalia.
High-caffeine energy drinks	Possession, consumption, distribution, sale, or delivery of energy drinks or energy shots, including Monster, Red Bull, Celsius, Bang, 5-hour Energy, or substantially similar products, on school property or at school functions, unless specifically authorized for a documented medical reason. Products may be secured and released to a parent/guardian or disposed of under building procedure.
Academic misconduct	Cheating, plagiarism, copying, unauthorized collaboration, misuse of artificial intelligence or online resources, alteration of records, submission of work not one's own, or assistance to another person's misconduct.
Property misconduct	Theft, vandalism, graffiti, tampering, damage to school or personal property, unauthorized possession of property, or misuse of vehicles or parking privileges.
Technology misuse	Unauthorized access; bypassing filters; cyberbullying; recording or distribution without authorization; intimate images; impersonation; threats; academic misuse; interference with networks or devices.
Attendance and location violations	Unexcused tardiness, class cutting, truancy, misuse of passes, unauthorized departure, failure to sign in or out, or remaining in unauthorized areas.

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A. Energy Drink Health Rationale

WHY ENERGY DRINKS ARE PROHIBITED

CDC identifies energy drinks as products containing large amounts of caffeine and often other stimulants. Reported concerns for young people include dehydration, irregular heartbeat or other heart complications, anxiety, sleep disruption, and increased blood pressure or heart rate. The American Academy of Pediatrics states that caffeine and other stimulants in energy drinks have no place in the diets of children and adolescents. The school restriction is a health and safety measure, not a diagnosis or substitute for medical advice.

The prohibition does not prevent a student from possessing a lawful medication or medically necessary product under a health plan, nurse authorization, IEP, Section 504 plan, or other legal requirement. School personnel should refer a student who appears ill or adversely affected to the nurse or emergency services as appropriate.

X. Disciplinary Responses, Restorative Practices, Detention, and Referrals

A. Factors Considered

In selecting a response, the authorized official may consider the student's age and maturity; nature, severity, and location of conduct; actual or potential harm; prior record and interventions; disability and manifestation requirements; provocation or self-defense; honesty and cooperation; intent; effect on the school community; safety needs; and any other relevant circumstance. Similar cases should be treated consistently while allowing lawful individualization.

B. Available Responses

- Reteaching, redirection, private conference, reflection, voluntary apology, seating or schedule adjustment, parent contact, loss of privilege, supervised transition, behavior plan, check-in/check-out, counseling, mentoring, conflict resolution, restorative conference, restitution, community service where lawful, re-entry planning, or referral to support services.
- Teacher detention, lunch detention, or administrative detention.
- Suspension from transportation, athletics, extracurricular activities, social activities, parking, or other privileges after a reasonable opportunity to be heard.
- In-school suspension, teacher removal, short-term suspension, superintendent's hearing, long-term suspension where legally permissible, or other lawful discipline.
- Notification or referral to law enforcement, emergency services, child protective services, probation, Family Court, mental-health, substance-use, or other human-service agencies when required or appropriate.

C. Detention

Detention is a supervised, non-suspension consequence imposed by a teacher, administrator, or designated staff member under building procedures. It may occur during lunch, a free period, or before or after school and may include reflection, academic work, reteaching, restorative activity, or another appropriate assignment.

- The student will receive notice of the reason and an opportunity to respond.

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- Detention will be reasonable in length and will not deny necessary meals, medication, disability services, or bathroom access.
- For after-school detention, the school will provide reasonable parent notice. When transportation is legally required for a student who ordinarily receives District transportation, the District will arrange transportation consistent with law and procedure.
- Failure to serve detention without an approved excuse may result in rescheduling, parent contact, administrative detention, or a more restrictive consequence.

D. Restorative Practices

Restorative practices may help a student understand impact, accept responsibility, repair harm, rebuild relationships, and return successfully. Participation requiring an admission or direct interaction is voluntary. Restorative practices do not prevent investigation or discipline, do not replace DASA or Title IX procedures, and will not be used when unsafe or inappropriate.

E. Individual Behavior Support Plan

A student who demonstrates repeated or significant behavior concerns may be assigned an Individual Behavior Support Plan developed collaboratively by appropriate administrators, teachers, counselors or other support staff, the student, and parent/guardian. The plan may include prevention strategies, replacement skills, check-in/check-out, incentives, consequences, data review, re-entry steps, and progress-monitoring. When the student has or may have a disability, the District will determine whether CSE, Section 504, FBA, or BIP procedures are required.

F. Referrals to School and Outside Agencies

Referral	Purpose/Procedure
School counseling/support	Counselor, psychologist, social worker, nurse, student assistance, MTSS, academic intervention, mentoring, or behavior support.
PINS/diversion/probation	Referral when statutory criteria may be met and school/family supports and required diversion processes warrant escalation.
Child Protective Services	A mandated reporter must make a report when there is reasonable cause to suspect child abuse or maltreatment. School discipline procedures do not replace mandated-reporting duties.
Law enforcement/emergency services	Immediate referral for imminent danger, firearm or weapon concerns, serious violence, fire, bomb threat, or other suspected crime when required or appropriate. School discipline and criminal/juvenile proceedings are separate.
Mental-health or crisis services	Referral for threat assessment, suicide risk, severe emotional distress, psychiatric emergency, or other need, consistent with law and safety procedures.

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Referral	Purpose/Procedure
Substance-use services	Referral for prevention, assessment, counseling, treatment, or recovery support as appropriate.
Other human services	County, community, health, housing, transportation, family support, or other agencies when barriers affect attendance, safety, or functioning.

XI. Teacher Removal, Suspension, Due Process, Appeals, and Alternative Instruction

A. Teacher Removal of a Disruptive Student

A teacher may remove a disruptive student from the teacher's classroom for up to five school days, consistent with Education Law §3214, this Code, disability law, and Board policy. Removal is a serious classroom-management response and should ordinarily follow reasonable efforts to address the conduct, unless the student presents an immediate or continuing danger or threat of disruption.

1. The teacher will complete the District removal form and notify the Principal or designee as soon as practicable, but no later than the end of the school day, stating the basis and period of removal.
2. The Principal or designee will notify the parent/guardian within 24 hours and provide written notice, including the reason and right to request an informal conference with the Principal and teacher.
3. The informal conference will occur within 48 hours of removal when requested, subject to a reasonable extension agreed to by the parent/guardian.
4. The Principal may set aside the removal if the charges are not supported by substantial evidence, the period is inconsistent with the Code, the conduct warrants suspension under §3214, or removal would violate law; including disability requirements.
5. The student will receive continued educational programming and activities during removal. The teacher will provide assignments and necessary information.
6. Each removal will be documented. Repeated removals will trigger administrative review, support planning, and any required CSE/504 consideration.

B. In-School Suspension

In-school suspension is an alternative to removal from school. A student reports to a supervised setting, completes assigned academic work, and may receive reflection, counseling, or re-entry support. The student will receive notice of the conduct and an opportunity to respond. In-school suspension will not be used in a manner that denies required IEP or Section 504 services.

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C. Short-Term Suspension: Five School Days or Fewer

The Principal, Acting Principal, Superintendent, Board, or other legally authorized official may impose a suspension not exceeding five school days. The student must receive notice of the charged misconduct and, if denied, an explanation of the basis. The student and parent/guardian must be given an opportunity, upon request, for an informal conference with the Principal at which they may present the student's version and question complaining witnesses under applicable law. Notice and the conference ordinarily occur before suspension unless the student presents a continuing danger or ongoing threat of disruption, in which case they will occur as soon as reasonably practicable afterward.

D. Long-Term Suspension and Education Law §3214 Hearing

No student may be suspended for more than five school days unless the student and parent/guardian have received reasonable notice and an opportunity for a fair hearing under Education Law §3214. At the hearing, the student has the right to representation by counsel, to question witnesses, and to present witnesses and other evidence. The hearing officer will make findings based on competent and substantial evidence and recommend or determine a lawful penalty within delegated authority.

- The hearing will ordinarily be bifurcated into a guilt phase and, only if guilt is established, a penalty phase.
- The District must prove the charge. Anonymous statements or hearsay alone should not be relied upon when legally insufficient.
- The penalty must be proportionate and based on the individual record. A written decision will identify findings, penalty, and appeal rights.
- For a student with a disability or a student presumed to have a disability, Part 201 procedures also apply, including manifestation determination when the proposed discipline constitutes a DCIP.

E. Minimum Suspension Periods Required by the Code

Conduct	Minimum/Response
Firearm brought to school	Suspension for not less than one calendar year under the Gun-Free Schools Act and Education Law §3214, subject to the Superintendent's case-by-case authority to modify and disability law.
Violent pupil act	Minimum five school-day suspension, with possible superintendent's hearing and additional suspension days based on severity, safety, record, and due process.
Repeated substantial disruption / interference	Minimum five school-day suspension when the student has been removed from class on four or more documented occasions during a semester, subject to current regulatory definitions and legal review.

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F. Appeals

1. Teacher removal: A parent/guardian may request review by the Principal under the removal procedure. The Principal's determination is final at the building level unless Board policy provides further review.
2. Short-term suspension: A parent/guardian may appeal in writing to the Superintendent within the period established by Board policy. The appeal should identify the decision challenged and the requested relief. The Superintendent may affirm, modify, reverse, or remand.
3. Long-term suspension: A decision of the Superintendent or hearing officer must be appealed to the Board of Education before an appeal to the Commissioner of Education, unless law provides otherwise. The Board appeal must follow Board policy and the written decision's instructions.
4. Commissioner appeal: After exhaustion of required local remedies, an aggrieved party may appeal to the Commissioner of Education under Education Law §310 within the applicable limitations period.
5. An appeal does not automatically stay discipline. A stay must be requested from the authorized decision-maker. Disability pendency and expedited-hearing rules may create different placement requirements.

G. Alternative Instruction

The District will provide alternative instruction to students of compulsory attendance age who are suspended, as required by Education Law §3214, and will provide services to students with disabilities as required by Part 201. Instruction will begin as promptly as practicable, be sufficient to allow continued academic progress, and include access to assignments, instruction, feedback, and required services. Students are expected to attend and participate.

XII. Discipline of Students with Disabilities

A. General Rule

Students with disabilities and students presumed to have a disability may be disciplined for Code violations, but the District must comply with IDEA, Article 89, Section 504, Education Law §3214, 8 NYCRR Part 201, the student's IEP or Section 504 plan, and procedural safeguards. Disability status does not excuse all misconduct, and discipline may not be used to deny required services or avoid evaluation, accommodation, or behavioral support.

B. Short Removals and Tracking

- A legally authorized official may impose removals of up to five school days, and the Superintendent may impose up to 10 consecutive school days for the same behavior after required process, so long as the removal does not exceed the consequence for a nondisabled student and does not create an unlawful DCIP.

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- Additional removals of up to 10 consecutive school days may be imposed for separate incidents when they do not form a pattern constituting a DCIP.
- The District will track all disciplinary removals, including teacher removals, in-school suspensions when they function as removals, transportation removals affecting access, and partial-day removals, as required.

C. Disciplinary Change in Placement (DCIP)

A DCIP occurs when a removal is for more than 10 consecutive school days or when a series of shorter removals totals more than 10 school days in a school year and forms a pattern because the behaviors are substantially similar and factors such as length, total time, and proximity support that determination. The District makes the pattern determination case by case and provides required parent notice and procedural safeguards.

D. Manifestation Determination Review (MDR)

When a decision is made to impose a disciplinary change in placement, a manifestation determination must occur immediately if possible, but no later than 10 school days after the decision. The manifestation team includes a knowledgeable District representative, the parent/guardian, and relevant members of the CSE selected by the parent and District. The team reviews the IEP, observations, parent information, evaluations, behavioral data, and other relevant records.

The team answers two questions:

1. Was the conduct caused by, or did it have a direct and substantial relationship to, the student's disability?
2. Was the conduct the direct result of the District's failure to implement the IEP?

E. Meaning of the MDR Decision

- If either answer is yes, the conduct is a manifestation. The CSE must conduct an FBA unless already completed, implement or review and modify the BIP, remedy any failure to implement the IEP, and return the student to the prior placement unless the parent and District agree to a change or a lawful IAES applies.
- If both answers are no, the conduct is not a manifestation. The student may receive the same type and duration of discipline as a nondisabled student, but required special-education services, behavioral assessment/intervention, procedural safeguards, and placement decisions still apply.
- The MDR does not determine whether the student committed the charged conduct. The superintendent's hearing determines guilt; the MDR determines the relationship between disability and conduct for placement and discipline purposes.

F. Services During Suspension or Removal

During the first 10 school days of suspension in a school year that do not constitute a DCIP, a student with a disability receives alternative instruction on the same basis as similarly situated nondisabled students, subject to compulsory-attendance rules. After more than 10 school days of removal in the school year, services must enable the student to continue participating in the general curriculum, progress toward IEP

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goals, and receive appropriate FBA, behavioral intervention services, and modifications designed to prevent recurrence. When the removal is a DCIP, the CSE determines the IAES and services.

G. Interim Alternative Educational Setting (IAES)

An IAES is a temporary educational placement other than the student's current placement. The CSE determines the setting and services. A Superintendent may place a student in an IAES for up to 45 school days for conduct involving a weapon, illegal drugs or controlled substances, or serious bodily injury, subject to statutory definitions and due process. An impartial hearing officer may order an IAES for up to 45 school days when maintaining the current placement is substantially likely to result in injury to the student or others.

H. Pendency / Stay-Put

Pendency generally maintains a student in the then-current educational placement during a due-process dispute. In a disciplinary appeal involving an IAES or certain danger determinations, the student remains in the IAES pending the impartial hearing officer's decision or until the authorized period expires, whichever occurs first, unless the parent and District agree otherwise. Pendency is fact-specific and will be determined in consultation with PPS and counsel when disputed.

I. Section 504 and Students Presumed to Have a Disability

The District will comply with Section 504 manifestation and placement protections. A student not yet identified may be entitled to IDEA discipline protections when the District is deemed to have knowledge of a suspected disability before the conduct. Requests for evaluation made during discipline will be addressed through expedited procedures when required. The District will not delay a required referral or evaluation because discipline is pending.

J. Superintendent's Hearing Coordination

For a student with a disability, a long-term suspension hearing will be bifurcated into guilt and penalty phases. The manifestation determination and CSE process will be coordinated with the hearing so that no penalty or placement is imposed contrary to Part 201. The hearing officer may make findings and recommendations but may not determine special-education placement reserved to the CSE or an impartial hearing officer.

XIII. Corporal Punishment, Seclusion, Timeout, and Reasonable Physical Force

A. Corporal Punishment Prohibited

Corporal punishment is prohibited. No employee may use physical force to punish a student, compel compliance, inflict pain, or retaliate.

B. Reasonable Physical Force and Physical Restraint

Physical restraint or other reasonable physical force may be used only when immediate intervention is necessary to prevent imminent danger of serious physical harm to the student or others, and only to the extent and duration necessary. It may not be used as punishment, as a substitute for systematic behavioral

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intervention, or as a planned IEP/BIP intervention. Staff must use less restrictive and less intrusive methods when effective and must follow training, monitoring, documentation, notification, medical review, and reporting requirements.

- Reasonable force may also be used within the narrow limits of law to protect oneself or another person, protect property when the circumstances create a safety emergency, remove a weapon or dangerous object, or restrain a student whose conduct presents imminent danger of serious physical harm.
- The intervention must stop when the imminent danger ends.
- Seclusion is prohibited. Timeout may be used only under applicable regulations and District procedures for immediate safety concerns, not as punishment or routine exclusion.
- Any required same-day parent notification, written report, debriefing, nursing assessment, data submission, or CSE review will be completed.

XIV. Student Searches, Metal-Detection Wands, Vehicles, Questioning, and Law Enforcement

A. General Search Standard

Students have a reduced expectation of privacy on school property, but searches must be lawful and reasonable. A school official may search a student or the student's belongings when there are reasonable grounds at the search's inception to suspect the search will reveal evidence that the student violated law or school rules, and the scope is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, sex, the nature of the infraction, and the item sought.

B. School Property and Personal Belongings

- Lockers, desks, District devices, District accounts, and other District property remain under District control and may be inspected at any time for maintenance, inventory, safety, or rule enforcement, subject to law and Board policy.
- Backpacks, bags, clothing, personal devices, containers, and other personal property may be searched when the reasonable-suspicion standard is met.
- Searches will be conducted as privately as practicable by authorized staff, with a second adult present when practicable. More intrusive searches require stronger justification and administrative/counsel review. Strip searches are prohibited except as expressly authorized by controlling law and emergency procedures.

C. Handheld Metal-Detection Wand

A trained administrator or designee may use a handheld metal-detection wand as part of a lawful student or property search when reasonable suspicion exists that a student or item contains a weapon, dangerous metal object, or other metal contraband. A wand may also be used as part of a neutral, uniformly applied entrance or event safety screening authorized by Board policy and communicated in advance when practicable.

- The scan will be minimally intrusive, conducted without unnecessary physical contact, and limited to areas where the item could reasonably be located.

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- A positive indication may justify a limited follow-up request to remove metal objects or a further search consistent with reasonable suspicion.
- Refusal to participate in a lawful neutral screening may be viewed as insubordination and may prompt parent or law-enforcement involvement depending on safety.

D. Student Vehicles and Parking Areas

Student parking on District property is a privilege. As a condition of a parking permit, students and parents/guardians will receive notice that a vehicle parked on school property may be searched by an administrator when reasonable suspicion exists that it contains evidence of a law or Code violation. The search may include the passenger compartment, trunk, and containers only where the item sought could reasonably be located.

- The student may be directed to unlock or open the vehicle. Refusal may result in loss of parking privilege and other lawful action.
- School staff will not force entry absent an emergency or lawful authority. Law enforcement may be contacted when safety, suspected criminal conduct, or refusal warrants.

E. Questioning and Police Involvement

School officials may question students about school matters. Students must provide truthful information, although they retain applicable constitutional and statutory rights. When law enforcement seeks to question or search a student, the District will follow Board policy, parental-notification procedures, emergency exceptions, warrant or consent requirements, and any applicable rights. School officials will not act as agents of law enforcement to evade constitutional standards.

XV. Visitors and Public Conduct on School Property

A. Visitors

- Visitors must enter through the designated entrance, report to the Main Office, present identification when requested, state the purpose of the visit, obtain authorization and a visitor credential, and remain in authorized areas.
- Visitors may not disrupt instruction, threaten or harass others, possess prohibited items, record students or staff without authorization, enter restricted areas, refuse lawful directions, or remain after being directed to leave.
- The Principal or designee may limit or deny access to protect safety, privacy, instruction, or orderly operations, subject to law and Board policy.

B. Public Conduct

All persons on school property or at school functions must conduct themselves respectfully and lawfully. Prohibited public conduct includes violence, threats, harassment, discrimination, obstruction, unreasonable noise, property damage, unauthorized entry, weapons, illegal substances, intoxication, smoking/vaping, interference with school activities, and violation of safety or visitor rules. Violators may be directed to leave, excluded, referred to law enforcement, disciplined if an employee or student, and subject to civil or criminal remedies.

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XVI. Additional Information

A. Computer, E-Mail, Internet, and Network Use

District technology and accounts are provided for education and authorized District business. Users must protect credentials, respect privacy and intellectual property, follow filtering and cybersecurity controls, and use resources responsibly. The District may monitor and access District systems to the extent permitted by law. Prohibited uses include unauthorized access, hacking, malware, bypassing controls, commercial activity, harassment, threats, pornography, illegal content, impersonation, mass disruption, and disclosure of confidential information.

B. Non-School-Sponsored Speech

Students retain rights of expression at reasonable times and places. The District may regulate distribution or display of non-school-sponsored speech when reasonably necessary to prevent substantial disruption, protect rights and safety, comply with law, or distinguish it from school-sponsored expression. Prior review, time/place/manner rules, and appeal procedures will follow Board policy.

C. Posting of Signs and Notices

1. Posters and notices in halls or common areas must be sponsored by a recognized District club, team, class, department, or affiliated organization and approved by an administrator or designee.
2. Classroom postings require teacher approval and must comply with curriculum, safety, nondiscrimination, and fire-code requirements.
3. Postings may promote meetings, events, activities, or authorized messages and must be placed only in designated locations. Oversized materials may not monopolize a bulletin board or obstruct signs, cameras, exits, alarms, windows, or sight lines.
4. The sponsoring person or group must remove materials promptly after the event. Nothing may be placed on a classroom-door window or other area prohibited by fire or safety rules.
5. Non-school-sponsored student expression is governed by subsection B and Board policy, not automatically barred solely because it is not District-sponsored.

D. Gun-Free Schools Act

Consistent with the Gun-Free Schools Act and Education Law §3214, a student determined through required procedures to have brought a firearm to school or possessed a firearm at school will be suspended for not less than one calendar year and referred to the appropriate legal or law-enforcement agency. The Superintendent may modify the one-year requirement case by case. Students with disabilities retain IDEA, Article 89, Section 504, and Part 201 protections. Required juvenile or law-enforcement referrals will be made based on the student's age and applicable law.

E. Student Identification, Passes, and Access Controls

Students must comply with reasonable identification, pass, sign-in/sign-out, door-access, and location procedures. Students may not admit unauthorized persons, prop doors, tamper with cameras or access

XVII. Academic Integrity and Extracurricular Eligibility

A. Academic Integrity

Students must complete their own work and credit sources. Cheating, plagiarism, copying, unauthorized collaboration, misuse of artificial intelligence or online resources, alteration of records, submission of work not one's own, or assistance to another person in academic misconduct may result in academic consequences and discipline. Teachers will communicate permitted and prohibited uses of AI and other tools when needed.

B. Academic Eligibility

Participation in extracurricular activities, including but not limited to athletics, clubs, and student organizations, is a privilege and not a right. All students participating in such activities must adhere to the Berlin Middle High School Academic Eligibility Policy. This policy applies universally to all extracurricular programs and is designed to support students in maintaining satisfactory academic progress while engaging in school-sponsored activities.

Academic performance is reviewed at regular intervals throughout the school year. Students who are failing two or more courses may be deemed ineligible for participation until academic improvement is demonstrated, in accordance with the procedures outlined in the full eligibility policy. Coaches and advisors will be informed of eligibility status and are expected to support students in balancing academic and extracurricular commitments.

1. Athletics, generally speaking, have a positive effect on the athlete's academic performance in the classroom and attitude toward school.
2. In order for a student to be eligible to participate in a sport, the student shall have an overall average of 65 and no more than one failing grade in any subject. Eligibility will be reviewed when progress reports or report cards are issued. The athletic director or principal will review the eligibility notices and inform students of their eligibility status. The athletic director or principal will have the authority to make exceptions when circumstances warrant.
3. If a student becomes ineligible, during the first week of ineligibility the student may practice but may not participate in games. If the student becomes ineligible for a second week in a five-week period, the student may not practice or participate in games until all eligibility requirements have been met. To regain eligibility, the student must obtain all required signatures on the eligibility form. The completed form must be received by Friday for the student to return to participation the following week. This eligibility process will continue until the next progress report or report card.

C. Summer School and Credit-Recovery Eligibility

Summer school and credit-recovery programs provide eligible students with an opportunity to remediate identified learning deficiencies and earn credit for a course that was not successfully completed during the regular school year. Participation is not automatic based solely on a failing final grade.

To qualify for a summer school or credit-recovery course, a student must:

1. Have been enrolled in the corresponding course during the regular school year and received a meaningful opportunity to complete the required unit of study;
2. Have earned a final course average of at least 50 but below the minimum passing grade of 65;
3. Have completed a sufficient portion of the course requirements to allow the student's learning deficiencies to be addressed appropriately through an abbreviated make-up credit program;
4. Have remained enrolled in the course through its conclusion and demonstrated reasonable participation and engagement, including completion of assignments and assessments; and
5. Receive approval from a school-based panel consisting of, at a minimum, the building principal or designee, a teacher certified in the applicable subject area, and the school counseling director, school counselor, or another administrator.

A student who failed a course primarily because of inadequate attendance, minimal participation, or failure to complete a substantial portion of the required coursework may be determined ineligible for an abbreviated summer school or credit-recovery course. Such a student may be required to repeat the entire course or complete another District-approved program that provides the instructional time and learning experiences necessary to earn initial course credit.

Students who were denied course credit because of attendance must remain enrolled in and continue attending the course through its conclusion to be considered for summer school or credit recovery.

In determining eligibility, the school-based panel shall review the student's final average, attendance, completed coursework, assessment results, demonstrated learning deficiencies, individual educational needs, and likelihood of successfully completing the program. A student shall not be denied eligibility solely because of disability, homelessness, English-language learner status, economic circumstances, or another legally protected status.

The building principal may approve an exception when documented medical, disability-related, family, housing, or other extraordinary circumstances materially affected the student's attendance, participation, or academic performance. When applicable, decisions shall be consistent with the student's Individualized Education Program, Section 504 Accommodation Plan, and all state and federal requirements.

To earn course credit, the student must successfully complete all summer school or credit-recovery requirements, satisfy the program's attendance expectations, and demonstrate mastery of the applicable learning standards and course outcomes. When required for graduation, the student must also meet the applicable New York State assessment requirements.

All summer school and credit-recovery placements are subject to course availability, sufficient enrollment, staffing, and District approval.

XVIII. Dissemination, Annual Review, and Adoption

- The Board will annually review the Code, considering effectiveness and whether it has been administered fairly and consistently, and update it as necessary.
- The review and revisions will include required stakeholder participation. The Board will hold at least one public hearing before adoption or reapproval.
- The complete Code and amendments will be posted on the District website and made available for review by students, parents/guardians, staff, and community members.
- At the beginning of each school year, students will receive and have explained an age-appropriate plain-language summary. A summary will be provided to parents/guardians before the school year and upon request.
- Existing teachers will receive the Code and amendments as soon as practicable after adoption; new teachers will receive the current Code upon employment. The District will provide implementation training.
- The District will file the Code and amendments with the Commissioner of Education in the prescribed manner no later than 30 days after adoption.
- The internet-enabled device policy and required enforcement reporting will be published as required by Education Law §2803.
- The District will make reasonable efforts to provide accessible formats and language assistance.

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APPENDIX A. Middle School Discipline Chart — Grades 6–8

This chart is a guide. Administrators retain discretion based on severity, safety, age, prior conduct, disability status, law, policy, and individual circumstances. Serious or dangerous conduct may begin at a higher response level. Restorative and supportive interventions may accompany any response.

Infraction	1st	2nd	3rd	4th / Serious Pattern
Tardy to class	Reminder / conference	Parent contact / teacher detention	Admin detention / plan	ISS or higher for persistent willful noncompliance
Tardy to school	Reminder / barrier check	Parent contact / detention	Attendance plan / conference	Pre-PINS/diversion review; lawful consequence
Class cutting / leaving area	Parent contact; make-up work	Admin detention	ISS / behavior plan	OSS or hearing if repeated/unsafe
Missed detention	Reschedule / warning	Administrative detention	ISS	Escalated response
Dress / backpack violation	Private correction; provide support	Parent contact	Detention for refusal	ISS only for persistent defiance/disruption
PE refusal to change	Offer clothing; alternate assignment	Parent contact; make-up	Detention / plan	ISS for persistent willful refusal
Device use	Secure to end of day	Parent retrieval / detention	Conference / storage plan	Behavior plan; consequence for separate defiance
Energy drink	Secure; parent notice	Parent retrieval / detention	Conference / health education	Escalated response for distribution/defiance
Disrespect / profanity	Conference / reteach	Parent contact / detention	Admin detention / restorative response	ISS or OSS if severe/repeated
Insubordination	Conference / parent contact	Detention	ISS	OSS / hearing if serious
Disruption / horseplay	Redirection / seat change	Parent contact / detention	ISS	OSS if unsafe/repeated
Academic dishonesty	Academic consequence / reteach	Parent contact / redo as permitted	Detention / integrity plan	Escalated academic and discipline response
Harassment / bullying	Investigate; safety/support plan	Detention/ISS; restorative only if appropriate	OSS / behavior plan	Hearing / agency referral if serious
Discrimination / retaliation	Immediate investigation/support	ISS or OSS	OSS / hearing	Long-term discipline where lawful
Fighting / physical aggression	Immediate separation; parent contact; ISS/OSS	OSS; re-entry plan	OSS / hearing	Long-term discipline where lawful
Threat / menacing	Threat assessment; parent contact	ISS/OSS	Hearing / safety plan	Agency/law-enforcement referral
Theft / vandalism	Restitution; parent contact; detention/ISS	ISS/OSS	OSS / hearing	Restitution / agency referral
Tobacco / nicotine / vaping	Confiscate; parent contact; support referral	ISS/OSS	OSS / hearing	Agency referral where applicable
Alcohol / drugs	Immediate admin/nurse response; parent contact; OSS	Hearing; support referral	Long-term discipline where lawful	Law-enforcement/agency referral as warranted
Weapon / firearm	Immediate safety/law-enforcement response; suspension	Superintendent's hearing	Long-term suspension	One-year minimum for firearm, subject to law
False alarm / arson / bomb threat	Immediate emergency response; OSS	Hearing	Long-term discipline	Law-enforcement referral

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APPENDIX B. High School Discipline Chart — Grades 9–12

This chart is a guide and does not replace due process or individualized review. Conduct involving safety, violence, threats, weapons, drugs, serious harassment, or criminal activity may bypass lower levels.

Infraction	1st	2nd	3rd	4th / Serious Pattern
Tardy to class	Conference	Teacher detention	Admin detention / parent contact	ISS / attendance-behavior plan
Tardy to school	Reminder / barrier check	Detention / parent contact	Attendance plan	Pre-PINS/diversion review; lawful consequence
Class cutting / unauthorized departure	Admin detention; parent contact	ISS	OSS	Hearing if repeated/unsafe
Missed detention	Reschedule / admin detention	ISS	OSS if persistent defiance	Escalated response
Dress / backpack violation	Private correction	Parent contact / detention	Admin detention	ISS only for persistent defiance/disruption
PE refusal to change	Offer attire / alternate work	Parent contact / make-up	Detention / plan	ISS for persistent willful refusal
Device use	Secure to end of day	Parent retrieval / detention	Admin detention / storage plan	Behavior plan; discipline for separate defiance
Energy drink	Secure / parent notice	Parent retrieval / detention	Admin detention / conference	Escalated response for distribution/defiance
Disrespect / profanity	Conference	Detention / parent contact	ISS	OSS if severe/repeated
Insubordination	Admin conference / detention	ISS	OSS	Hearing if serious/repeated
Disruption / horseplay	Redirection / detention	ISS	OSS	Hearing if dangerous
Academic dishonesty	Academic consequence / parent contact	Detention / integrity plan	ISS / course consequence	Escalated response
Harassment / bullying	Investigation; support/safety plan	ISS/OSS	OSS / hearing	Long-term discipline where lawful
Discrimination / retaliation	Immediate investigation	ISS/OSS	Hearing	Long-term discipline where lawful
Fighting / assault	OSS; re-entry/safety plan	Hearing	Long-term suspension	Law-enforcement referral as warranted
Threat / menacing / stalking	Threat assessment; ISS/OSS	Hearing / safety plan	Long-term discipline	Agency/law-enforcement referral
Theft / vandalism	Restitution; detention/OSS	OSS	Hearing	Agency referral
Parking / vehicle violation	Warning / loss of privilege	Temporary permit suspension	Longer loss of parking	Discipline/search/law-enforcement as warranted
Tobacco / nicotine / vaping	Confiscate; parent contact; ISS/support	OSS	Hearing	Agency referral where applicable
Alcohol / drugs	Immediate admin/nurse response; OSS	Hearing / support referral	Long-term discipline	Law-enforcement/agency referral
Weapon / firearm	Immediate emergency response and suspension	Hearing	Long-term suspension	One-year minimum for firearm, subject to law
False alarm / arson / bomb threat	Immediate emergency response; OSS	Hearing	Long-term discipline	Law-enforcement referral

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APPENDIX C. Attendance and Tardy Intervention Matrix

Tier/Trigger	Illustrative Threshold	Actions
Universal prevention	All students	Clear bell routines; daily attendance; same-day family notices; recognition; engaging instruction; transportation and health problem-solving.
Early concern	2–4 absences or 3–4 tardies	Student conversation; family contact; verify barriers; connect supports; set short-term goal.
Emerging pattern	5–9 absences or 5–7 tardies	Attendance team/counselor review; parent conference; written improvement plan; check-in/check-out; academic recovery.
Chronic-risk range	Approaching 10% missed days	Intensive plan; MTSS/PPS review; home outreach; health, housing, disability, McKinney-Vento, transportation, or agency support.
Chronic absenteeism	10% or more of enrolled days	Formal case review; individualized interventions; progress monitoring; county diversion/Pre-PINS consideration when appropriate.
Persistent willful nonattendance	Continuing after supports and legal criteria may be met	PINS/diversion referral, legal attendance procedures, and other lawful responses; continue education and support obligations.

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APPENDIX D. Contacts, Review Flags, and Primary References

Concern	Contact/Pathway
Immediate safety threat, weapon, violence, serious injury, fire	Main Office, administrator, SRO, or 911 as appropriate.
Bullying, harassment, discrimination, retaliation	Any employee, counselor, administrator, or Dignity Act Coordinator. (Meghan Reynolds, BMHS DASA Coordinator)
Sex discrimination or sexual harassment	Title IX Coordinator or any administrator/employee. (Colleen Mills, Title IX Coordinator)
Attendance or PINS concern	Teacher, counselor, attendance office, administrator, PPS, or county diversion/probation as appropriate.
Special education / Section 504	Case manager, CSE/504 chair, PPS, or administrator.
Technology / device	Teacher, administrator, Main Office, or technology staff.