

SCHALMONT CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

I. INTRODUCTION

The Schalmont Central School District's Board of Education ("Board") is committed to providing a safe and orderly school environment where students receive, and District personnel deliver, quality educational services without disruption or interference. Responsible and civic minded behavior by students, teachers, other District personnel, parents, families and other visitors is essential to achieving this goal.

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

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians, families, and other visitors when on school property, attending a school function or as a representative of our Schalmont community at large.

The Board will charge the Superintendent with providing all necessary in-service education programs to all District staff members to ensure the effective implementation of this Code. The District Safety Committee and 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. There will also be resources available to assist family members, guardians, school personnel and administrators to follow the Code as well.

II. TERMINOLOGY

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

"Bullying" Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

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

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

"Employee" means any person receiving compensation from a school District or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the

provision of services to such District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§ 11[14] and 1125[3]).

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

“Gender Identity” means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

“Harassment” Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act defines harassment as the creation of a hostile work environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) 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. The harassing behavior may be based on any characteristic, including but not limited to a person’s actual or perceived:

- race
- color,
- body type,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender, gender identity and expression

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

“School Bus” means 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 students, children of students, teachers, and other persons acting in a supervisory capacity to or from school or school activities (Education Law § 11[1] and Vehicle and Traffic Law §142)

“School function” means any school-sponsored extracurricular event or activity.

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

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, etc. (Education Law §11[5]). Further a person's sense of identity is based on an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based not just on those attractions, but also on related behaviors and membership in a community of others who share those attractions.

“Superintendent’s Hearing”: If a student’s misconduct becomes excessive, a hearing will be scheduled at the District Office in an attempt to modify the student’s behavior. A student must be accompanied by a parent/guardian/family member at the hearing. Following a Superintendent’s Hearing, the Superintendent may take whatever action is deemed appropriate, including indefinite suspension from school.

“Weapon” means a firearm as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, 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.

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

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

III. DUE PROCESS

The Supreme Court of the United States has established that each student has a constitutional right to due process. In line with this, each student and Schalmont community member will have access to and/or will be given a copy of the student handbook containing all of the guidelines, rules and regulations, and disciplinary procedures for the school, if requested. It is the student’s/parent’s/guardian’s/school personnel’s responsibility for reading and becoming familiar with the material contained in the handbook. Note: Anyone requiring an accommodation to have success with this task, should ask for such assistance, and it will be provided.

IV. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all District activities on an equal basis regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression.

2. Present their version of the relevant events to school personnel authorized to impose disciplinary consequences.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel in a format and manner that meets their cognitive capacity to learn and understand it.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, and to school or personal property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused, by parent or guardian, and be in class, on time, and prepared to learn.
4. Work, to the best of their ability, in all academic and extracurricular pursuits, and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful and positive manner. Ask questions when they do not understand.
6. Exercise age appropriate coping skills and strategies for managing their behavior.
7. Seek help in solving problems before it becomes a discipline issue.
8. Dress appropriately for school and school functions, according to the school dress code. (See section VIII Letter C.)
9. Understand and accept responsibility for their actions.
10. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events, and hold themselves to the highest standards of conduct, demeanor and sportsmanship.
11. Report 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.
12. Recognize biases and report for change to school administration that may foster unequal treatment of fellow students/teachers/staff in the school or classroom setting.

V. ESSENTIAL PARTNERS

A. Parent/Guardian/Family Member Expectations - Parents/guardians/family members are expected to:

1. Recognize that the education of their child (ren) is a joint responsibility of the home and the school community.
2. Prepare and assist their children to attend classes, ready to participate and learn.
3. Ensure their children attend school daily and on time.
4. Ensure absences are legally excused.
5. Support their children in being dressed and groomed in a manner consistent with the student dress code. See Section VIII Letter C.
6. Help their children understand that in a democratic society, rules are required to maintain a safe, orderly environment.

7. Know school rules and help their children understand and follow them. Seek clarification from school administrators if there is confusion.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, school personnel (bus drivers), other parents/guardians (see definition) and their children's friends.
10. Help their children deal effectively with peer pressure. If assistance is needed, ask for assistance from a teacher, school counselor, social worker or other administrator.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Encourage their child to practice mutual respect and demonstrate dignity, for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression. Recognize biases and report to school administrators for change that may create unequal treatment of all students/families in the school or classroom setting.

B. Faculty/Staff Expectations - All faculty, staff and substitute staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and a concern for student achievement.
4. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
5. Know school policies and rules, and administer them in a fair and consistent manner.
6. Maintain confidentiality in conformity with federal and state law.
7. Communicate to students and parents/guardians:
 - a) Course objectives and requirements
 - b) Marking/grading procedures
 - c) Assignment deadlines
 - d) Expectations for students
 - e) Classroom discipline plan.
8. Communicate regularly with students, parents, guardians, family members and other teachers concerning student's growth and achievement. Treat each student individually and in a group consistently and with dignity.
9. Convey a supportive attitude toward students, parents/guardians and the community.
10. Work with children/families to understand the District's expectations for maintaining a safe, orderly environment.
11. Address and report issues of harassment or any situation that threatens 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.
12. Recognize biases and report for change that may create unequal treatment of all students/families in the school or classroom setting.

13. Provide mental health support services for all K-12 students.

14. Look to administrators for assistance to address issues one may be having with students, family and fellow school personnel.

C. Paraprofessional Expectations - Teaching Assistants, Teacher Aides, and Coaches are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression which will strengthen students' self-concept and promote confidence to learn.
2. Maintain confidentiality in conformity with federal and state law.
3. Demonstrate a concern for student achievement.
4. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
5. Know school policies and rules, and address them in a consistent manner.
6. Treat each student individually and in a group consistently and with dignity.
7. Work with children/families to understand the District's expectations for maintaining a safe, orderly environment.
8. Address and report issues of harassment or any situation that threatens 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.

D. Other School Personnel Expectations - Transportation employees, Cafeteria employees, Custodians, Clerical and Monitors are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression which will strengthen students' self-concept and promote confidence to learn.
2. Maintain confidentiality in conformity with federal and state law.
3. Be familiar with the Code of Conduct.
4. Work with children/families to understand the District's expectations for maintaining a safe, orderly environment.
5. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
6. Address and report issues of harassment or any situation that threatens 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.
7. Treat each student individually and in a group consistently and with dignity.

E. School Counselors, Social Workers and Mental Health Professionals Expectations - School Counselors, Social Workers, Behavioral Specialists, Speech Therapists, School Psychologists, Occupational Therapists and Physical Therapists, are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression which will strengthen students' self-concept and promote confidence to learn.
2. Assist students in coping with peer pressure and emerging personal, social and emotional challenges and opportunities. Make referrals for additional services and supports as necessary.

3. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
4. Initiate teacher/student/family/counselor conferences, as necessary, as a way to plan for success and/or address and/or resolve problems.
5. Treat each student individually and in a group consistently and with dignity.
6. School Counselors will regularly review (at least twice throughout the school year) with students their educational progress and career plans.
7. Maintain confidentiality in conformity with federal and state law.
8. School counselors as part of the school team, will provide information to assist students with life planning and career pathways.
9. Encourage students to benefit from the curriculum and extracurricular programs.
10. Make known to students and families the resources in the community that are available to meet their needs.
11. Work with children/families to understand the District's expectations for maintaining a safe, orderly environment.
12. Address and report issues of harassment or any situation that threatens 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.

F. School Administrators - School Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression.
2. Ensure that students, families and staff have the opportunity to communicate regularly with school administrators and can approach for information and/or to correct grievances. Treat each student individually and in a group consistently and with dignity.
3. Maintain confidentiality in conformity with federal and state law.
4. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the Code of Conduct, when called upon. Disseminate and train all on the Code of Conduct and Anti-harassment policies.
7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
8. Work with children/families/teachers/school staff to understand the District's expectations for maintaining a safe, orderly environment.
9. Address and report issues of harassment or any situation that threatens 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.

G. Dignity Coordinators - A Dignity Act Coordinator is assigned to each school building starting July 1, 2020 in compliance with the NYS Dignity Act. The Dignity Act Coordinator is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, body type, national origin,

ethnic group, religion, religious practice, disability, sexual orientation, gender expression or identity.

2. Read and/or be aware of accommodations required for any student with an IEP/504 plan to ensure an inclusive learning environment for all.
3. Maintain confidentiality in conformity with federal and state law.
4. Oversee and coordinate the work of the District-wide Bullying Prevention Committees.
5. Coordinate, with the Professional Development Committee/Schalmont Teachers' Institute, training in support of the Dignity Act and Bullying Prevention Committee.
6. Be responsible for monitoring and reporting to the Superintendent on the effectiveness of the District's bullying prevention policy.
7. Address and report issues of 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.
8. Recognize and report for change, biases that may create unequal treatment of all students/families in the school or classroom setting.

H. Superintendent of Schools - The Superintendent of Schools is expected to:

1. Promote and demonstrate a commitment to host a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline as it relates to the District plan.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student, family and teacher needs. Treat each student/family individually and in a group consistently and with dignity.
5. Work with District administrators in administering and enforcing the Code of Conduct and ensuring that all cases are resolved promptly and consistently.

I. Board of Education - The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, families, District personnel and visitors on school property and at school functions.
2. Adopt and review, at least annually, the District's Code of Conduct to evaluate the Code's alignment with state and federal policy, its effectiveness in ensuring a safe, orderly and stimulating school environment, supporting active teaching and learning as well as consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender expression and identity. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act implementation.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

VI. GENERAL STUDENT DUE PROCESS PROCEDURES

The following procedures have been established to insure the students' due process:

1. Students who are not following the rules and regulations will be given notice verbally and/or in writing regarding the infraction.
2. The student will be given the opportunity to explain their side of the story and/or problem.
3. A written record of the incident will be kept by the Principal or designee.
4. After hearing the student's account, the Principal or designee will make a determination of consequence, if any. Note: The type of consequence the infraction will require is based on circumstances, number of previous problems, and intent. Students will be informed of consequences at this time. Should "detention" or "in-house suspension" be assigned as the consequence, it is the student's responsibility to attend on the day assigned. There will be no further notification.
5. The student may request a Principal's Hearing after the assistant principal has made a determination of consequence required by the infraction. The initial hearing is to be scheduled with the building principal.
6. When the situation warrants immediate removal of a student from the building, parents or guardians will be notified immediately.
7. The Principal, after due process, may administer suspension up to five days, and parents or guardians will be notified. Written notice of suspension will be sent to the parents or guardians within 24 hours of the student's suspension. The notice shall describe the incident(s), which resulted in the suspension and shall inform the parents/guardians of their right to request an immediate informal conference with the principal.
8. A Superintendent's Hearing may be arranged for any student who continually breaks rules and regulations.
9. Following a Superintendent's Hearing, any student who continues to break rules and regulations may be recommended by the Principal for Formal Suspension. The student has the right under Formal Suspension to request a Formal Suspension Hearing. It is recommended (but not required) that the student be represented by legal counsel at the Formal Hearing.

VII. STUDENT SEARCHES

The Board authorizes the Superintendent of Schools, Building Principals, Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below, 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 the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that they possess 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. Searches will be conducted in the presence of two adults whenever possible.

A. Student Lockers, Desks and other School Storage Places:

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

B. Documentation of Searches:

The 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.

C. Police Involvement in Searches and Interrogations of Students:

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials 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 other court order authorizing the student's removal; 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 designee shall first try to notify the student's parent/guardian to give the parent/guardian the opportunity to be present during the police questioning or search. If the student's parent/guardian 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 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.
3. They may request the presence of an attorney.

VIII. PROHIBITED CONDUCT IN SCHOOL

The Board of Education expects all members of the Schalmont Community to conduct themselves in a safe and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and each person must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

The Board recognizes the need to make its expectations for Schalmont Community members' conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Anyone who will not accept responsibility for their own behavior and who violates these school rules will be required to accept the consequences for their conduct.

In particular, 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:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in any willful act, which disrupts the normal operation of the school community.
 - 6. Trespassing - Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building, or in an unauthorized area.
 - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or school employees in charge of students, or otherwise demonstrating disrespect.
 - 2. Lateness for class or school without permission.
 - 3. Leaving class or school without permission
 - 4. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - 2. Explicit and/or inappropriate public sexual contact.
 - 3. Display or use of personal electronic devices, such as, but not limited to, cell phones, tablets, digital cameras, etc. in a manner that is in violation of District procedures (as outlined in a separate document distributed to all students and families in Fall, 2026 that complies with the Governor's mandate). A link to this document can be found [here](#). The school district is not responsible for any loss, theft, or damage to cell phones/ electronic devices brought to school.
 - 4. Non-compliance with school dress code.
 - A. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents/guardians have

the primary responsibility for acceptable student dress and appearance. A student's style of dress may reflect individual preference but must be within the constraints of reasonable rules and procedures consistent with promoting a learning environment that is positive and free from disruptions and distractions. Teachers and all other District personnel should exemplify, model and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

- B. A student's attire, grooming and appearance, including hair style/color, jewelry, make-up, nails and piercings shall:
 - 1. Be safe, cover private parts of the body and be covered so as to not disrupt or interfere with the educational process.
 - 2. Ensure that underwear is completely covered with outer clothing. Pajamas are not allowed in school unless specified as a "spirit day" by school administration.
 - 3. Footwear must be worn at all times that allows for the safe participation in school activities.
 - 4. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression. Gang affiliated clothing and bandannas are not allowed.
 - 5. Not promote and/or endorse the use of alcohol, tobacco, vape or illegal drugs and/or encourage other illegal or violent activities.
 - C. Each building principal or his or her designee shall be responsible for informing all students and their parents/family members of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
 - D. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and, if necessary or practical, replacing it. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.
- D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
- 1. Committing an act of violence (such as hitting, throwing an object, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 - 2. Committing an act of violence (such as hitting, throwing an object, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 - 3. 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.
 - 4. Displaying what appears to be a weapon.
 - 5. Threatening to use any weapon.
 - 6. 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.
 - 7. Intentionally damaging or destroying school District property.
 - 8. Possession of fireworks or any other incendiary device.

- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include but are not limited to:
1. Lying, deceiving or giving false information to school personnel.
 2. Subjecting other students, school personnel or any other 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.
 3. 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 possession of stolen property.
 4. 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.
 5. Discrimination, based on a person's actual or perceived, use of race, color, creed, national origin, ethnic group, religion, religious practice, gender identity and expression, sexual orientation, body type or disability to deny rights, equitable treatment or access to facilities available to others.
 6. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment.
 7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm. Bullying which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
 8. Hazing, which includes an induction, initiation, or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury, or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury, or public ridicule is likely to occur.
 9. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
 10. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature. The District's Title IX Coordinator, working in concert with building and district administration, will ensure that all complaints of harassment made against any member of the Schalmont School Community are handled as per Board of Education Policy 0111.
 11. Selling, using or possessing obscene material.
 12. Using vulgar or abusive language, cursing or swearing.
 13. Possessing or using a cigarette, cigar, chewing or smokeless tobacco, vape or tobacco substitutes.
 14. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances, or paraphernalia, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, "synthetic cannabis" and any substance commonly referred to as "designer drugs."
 15. Inappropriately using or sharing prescription and over-the-counter drugs.

16. Gambling.
 17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 18. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire alarm or fire extinguisher.
 19. Extortion.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave in a safe manner 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 as cited in Section E. Excessive noise, pushing, shoving, bullying of any kind, perceived or actual, and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not to:
1. Plagiarism
 2. Cheating
 3. Copying
 4. Altering Records
 5. Violation of the District Acceptable Use Policy for technology.
 6. Forgery
 7. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to disrupt the educational process in the school, school learning environment or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e. inflicting willful and repeated harm through the use of electronic text).
 2. Threatening or harassing students or school personnel over the phone or other electronic medium.

IX. REPORTING VIOLATIONS

All members of the Schalmont Community (students, family members, teachers, school personnel, and administrators) are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the building principal or his or her designee or the Dignity Act Coordinator. Any person observing someone possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. The District will take steps to preserve the confidentiality of complainants and witnesses to the greatest extent possible. Identities will be revealed only if necessary to conduct a full and fair investigation of any complaint. The District prohibits retaliation against anyone who files a complaint under this policy or who participates in an investigation.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent/guardian of the student involved and the disciplinary action, if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed 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.

X. DISCIPLINARY CONSEQUENCES - STUDENTS

A. DISCIPLINE EXPECTATIONS

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

Disciplinary action, when necessary, will be firm, impartial and consistent so as to be the most effective in changing student behavior. In determining the disciplinary actions the penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances, which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents/guardians, teachers and/or others
6. IEP or 504 Plans.
7. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Additionally, a disciplinary consequence can move into a subsequent school year, depending on the time of year and nature of the infraction.

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 disability or presumed to have a disability. A student identified as having a disability shall have the same review as any other student to determine the best course of action to meet the student's needs but will not be disciplined for behavior that is a result of or directly related to the aspects of their disability in compliance with state and federal laws.

B. CONSEQUENCES/PENALTIES

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose the penalty, consistent with the student's right to due process and upon review by building-level administration.

- a. Oral warning - any member of the District staff.
- b. Written warning - bus drivers, teacher aides, hall and lunch aides, coaches, guidance counselors, teacher assistants, teachers, principal, and Superintendent.
- c. Written notification to parent/guardian - bus driver, hall and lunch monitors, coaches, guidance counselors, teacher assistants, teachers, assistant principal, principal, Superintendent.
- d. Detention - teachers, assistant principal, principal, Superintendent
- e. Suspension from transportation - director of transportation, assistant principal, principal, Superintendent.
- f. Suspension from athletic participation - coaches, assistant principal, principal, athletic director, Superintendent.
- g. Suspension from social or extracurricular activities - activity director, assistant principal, principal, Superintendent.
- h. Suspension of other privileges - assistant principal, principal, Superintendent.
- i. In-school suspension – assistant principal, principal, Superintendent.
- j. Alternative placement - assistant principal, principal, director of pupil personnel, Superintendent.
- k. Restitution - assistant principal, principal, Superintendent.
- l. Loss of credit or make-up privilege for issues of academic misconduct - teachers, assistant principal, principal, Superintendent.
- m. Suspension of parking privileges - assistant principal, principal, Superintendent.
- n. Removal from classroom by teacher - teachers, assistant principal, principal.
- o. Short-term (five days or less) suspension from school - principal, Superintendent, Board of Education and/or BOCES programs.
- p. Long-term (more than five days) suspension from school - principal, Superintendent, Board of Education.
- q. Permanent suspension from school - Superintendent, Board of Education.

Community members, parents/guardians, family members, and school personnel who are found in violation of the expectations of this document will be subject to disciplinary action. The individual's relationship to the Schalmont School Community (i.e.- staff member or parent) will determine the District's course of action to ensure the continued safety of the District. The District reserves the right to involve the assistance of law enforcement at any time, should it be deemed necessary by those administering this document.

C. PROCESS FOR IMPOSING PENALTIES

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Supports will be available to students to ensure consistent application of procedures and to accommodate any deficits of the student to cognitively understand the process. 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 disability or presumed to have a disability.

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

1. Detention - Teachers, principals and the Superintendent may use after-school detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the student's parent/guardian has been notified to confirm that there is no parental/guardianship objection to the penalty and the student has 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 misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent/guardian/family member 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 the 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 Section 3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.
3. Suspension from athletic participation, extra-curricular activities and other privileges - A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent/guardian/family member will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.
4. In-school suspension - the Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent/guardian/family member will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.
5. Teacher disciplinary removal of disruptive students - A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in a classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending

a student to a school counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code. Students who possess behavioral strategies or identified behavioral modification needs as a result of their Individualized Education Plans or Behavioral Intervention Plans will have said information taken into account when working with the student and their family.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a student is considered "disruptive" if the educational process is interrupted 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.

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 also contact the student's parent/guardian/family member that day to explain the rationale for the removal.

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

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parent/guardian/family member that the student has been removed from class and why. The contact must also inform the parent/guardian/family member 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 home address. 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/family members.

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 parent/guardian/family member a chance to present the student's version of the relevant events.

The informal meeting must be extended by mutual agreement of the parent/guardian/family member 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 Section 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, if a conference is requested. No student shall be removed from the classroom until the principal makes a final determination.

Any 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 record (on a District provided form) for all cases of removal of students from their class. The principal must keep a record of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from their class until they have verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violently disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. Before a suspension is imposed on a student with an identified disability via the Committee on Special Education, a Manifestation Hearing will be held to determine if the behavior is the direct result of the student's disability and, in turn, requires a meeting of the Committee on Special Education in lieu of moving to a disciplinary measure.

The primary responsibility for the suspension of students is with the Superintendent and the Building Principals (referred to hereafter as the "Suspending Authority").

Any staff member may recommend to the "Suspending Authority" that a student be suspended. All staff members must immediately report and refer a student displaying violent behavior to the "Suspending Authority" 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 “Suspending Authority,” 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 less) suspension from school - When the Suspending Authority proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 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 parent/guardian/family member 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 home address. 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 parent/guardian/family member.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent/guardian/family member of the right to request an immediate informal conference with the “Suspending Authority”. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent/guardian/family member. At the conference, the parent/guardian/family member shall be permitted to ask questions of complaining witnesses under such procedures as the “Suspending Authority” 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 “Suspending Authority” shall promptly advise the parent/guardian/family member in writing of their decision. The “Suspending Authority” shall advise the parent/guardian/family member that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parent/guardian/family member is not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than five days) suspension from school - When the “Suspending Authority” determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student’s parent/guardian/family member for their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, in 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 that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents/guardians/family members 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 within 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 themselves, other students, school personnel or any other person lawfully on school property or attending a school function.

d. Minimum Periods of Suspension

1. Students who bring a weapon to school - Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. If the student is identified to have a disability, the case must be first brought before the Committee on Special Education*. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's IEP or 504 Plan.
- d. The student's prior disciplinary record.
- e. The Superintendent's belief that other forms of discipline may be more effective.
- f. Input from parent/guardian/family, teachers and/or others
- g. Other extenuating circumstances.

*A student identified as having a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing a weapon to school - A student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least one to five days. If the student is identified to have a disability, the case must be first brought before the Committee on Special Education*. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian/family member will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parent/guardian/family member 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 suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

*A student identified as having a disability may be suspended only in accordance with the requirements of state and federal law.

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, will be suspended from school for at least one to five days. If the student is identified to have a disability, the case must be first brought before the Committee on Special Education*. 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 Section 3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian/family member will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parent/guardian/family member 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 suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

*A student identified as having a disability (as per the Committee on Special Education) may be suspended only in accordance with the requirements of State and Federal Law (as per Part 200).

D. REFERRALS

1. Counseling – School Counselors, Behavioral Specialists, Social Workers and/or School Psychologists shall handle all referrals of students to counseling for any of the following circumstances
 - a. Mental Health Counseling
 - b. Substance Abuse Counseling
 - c. Academic Counseling
 - d. and/or any other issues that may arise.
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. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
 - c. Knowingly and unlawfully possessing marijuana or other substances in violation of Penal Law Section 221.05. A single violation of Penal Law Section 221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders - the Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - a. Any student under the age of 16 who is found to have brought a firearm to school, or

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

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

The entire text of the Schalmont Central School District's Code of Conduct will be posted on the District website. Hard copies of this document can be requested at any time by families and/or students.