

## **DISTRICT CODE OF CONDUCT**

### **INTRODUCTION**

The Wappingers Central School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

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

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. To that end, the District provides a variety of programs and services which promote the development of good character, including the knowledge, skills, and abilities that enable each student to make informed, responsible choices. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, the school will encourage a high degree of parent-school communication.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension, and administrative hearings with a designated hearing officer. Administrative hearings may result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

### **STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

The Wappingers Central School District believes in the right of each child between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due processes of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative equivalent instruction following suspension.

### **RIGHTS OF STUDENTS**

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right

- to be provided with an education that is intellectually challenging and relevant to demands of the 21<sup>st</sup> century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
- to be informed of all school rules;
- be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.

2. **Symbolic Expression** – Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under “school newspaper” and “dress code.”
3. **Student Activities** – All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. **Student Government** – Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
5. **Student Clubs and Other Students Organizations** – The District encourages students to participate in curriculum related extra-curricular activity club and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights (Search and Seizure)** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student’s person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
7. **Pregnant Students** – During pregnancy and the period of pregnancy-related disability that follows childbirth; a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** –If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievance or complaints may be appealed in writing to the Superintendent of Schools if the Principal’s answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

## **RESPONSIBILITIES OF STUDENTS**

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- to accept responsibility for his/her actions;
- to respect the rights of others, including his/her right to secure an education in environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this code and seek interpretation of parts not understood;
- to actively discourage inappropriate behavior of other students (including bullying but not limited to) and report the incidents to the administration.

## **THE ROLE OF PARENTS**

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to insist on prompt and regular attendance;
- to listen to the views and observations of all parties concerned;
- to recognize that teachers merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school-related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure.
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

## **THE ROLE OF SCHOOL PERSONNEL**

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting building principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

## **THE ROLE OF TEACHERS**

Every teacher knows that s/he works every day with this nation's most precious commodity—the future generation. In view of this responsibility, the teacher must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- plan and conduct a product of instruction that will make learning challenging and stimulating;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility.
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify the appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve in locos parentis in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the discipline code to students;
- enforce the code in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;

- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

### **THE ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for the students, but for staff as well.

Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities”;
- demonstrate desirable standards of behavior through personal example.

### **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the Superintendent of Schools and Central Administrators must:

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective “Code of Conduct” supportable by students, parents, staff, and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

### **THE ROLE OF THE BOARD OF EDUCATION**

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this code of conduct;
- ensures that the code of conduct contains clear behavioral expectations and

- disciplinary consequences for students, staff and visitors;
- ensures that the code of conduct is clearly communicated to students, parents, staff and the school community;
- ensures that the code of conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the code of conduct and updates it as necessary.

### **CONDUCT OF VISITORS**

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited. Visitors should be prepared to show picture ID, if asked. According to the Board of Education policy, any visitor to a building must have a clear educational purpose and must confine their visit to the area for which they have approval.

Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law, Board of Education policy and this Code of Conduct.

### **REPORTING CODE VIOLATIONS**

#### **1. To School District Personnel**

Students, teacher, and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

#### **2. To Local Law Enforcement Agencies**

The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the student is over the age of 16. When necessary, the District will file a complaint in criminal court against the student.

#### **3. To Human Services Agencies**

The District will report any violations of the Code of Conduct which constitute a crime when the student is under the age of 16 to the appropriate human service agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

### **REMOVAL OF A STUDENT FROM THE CLASSROOM**

The School District has determined that certain acts of misconduct interfere with instruction and/or safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has

been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

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

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

- the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal,
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
- the Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- the Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

## **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student;

- is insubordinate or disorderly, or exhibits conduct which endangers the health, safety morals, or welfare of others, or if the student is violent or substantially disruptive of the educational process.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

### **A. Pre-suspension Process**

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C" below.

### **B. Short-Term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, (at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.) The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. If the parent wishes to appeal the short-term suspension, the parent may appeal the suspension determination, in writing, to the Superintendent of Schools within ten days after receipt of the suspension notice. The parent may, if he/she disagrees with the Superintendent's determination thereafter, appeal the Superintendent's determination within ten days of receipt of it by written appeal to the Board of Education.

### **C. The Long-Term Suspension Process: Suspension for More than Five Days**

Any suspension from school in excess of five school days shall be considered a long-term

suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools, the Board of Education, or Superintendent of Schools designee has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

#### **D. Hearing Procedures**

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

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parents(s) if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses, or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

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

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal, or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the Districts and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of credible evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and

- that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a notice indicating the student's past disciplinary anecdotal record may be offered for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Consent to Discipline**

In circumstances where the District has determined it will be seeking a long-term suspension as a penalty for a student's violation of the Code of Conduct, it may, in certain cases, determine to offer the parents/student the option of a Consent to Discipline, instead of proceeding with a Superintendent's Suspension Hearing.

**If a Consent to Discipline is offered by the District, and accepted by the parents/student, the Superintendent's Suspension Hearing will be waived, in exchange for the parents/student consenting to an agreed-upon penalty, subject to the following:**

- 1) Where the parents/student agree to a Consent to Discipline, they must acknowledge, in writing, that they are waiving their rights in connection with proceeding to a hearing, such as the right to cross-examination.**
- 2) Since the Consent to Discipline culminates in a written document containing a consensual disciplinary result, the parents/student forego the right to appeal the agreed-upon disciplinary result to the Board of Education, or any other body.**
- 3) In cases where the student at issue is a special education student, the Consent to Discipline procedure may only be employed where it can be utilized in a way that will not abridge the special education student's substantive and procedural rights, such as the right to a manifestation determination, and the right to a free appropriate education.**

### **Alternative Instruction**

Pursuant to the Education Law, no compulsory education age student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction, or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

### **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal (or may be appealed) to the Board of Education within fifteen days of the Superintendent's decision. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

### **E. Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in

determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

**F. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in or attend any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

**G. Suspension of Students with Disabilities**

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

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

**Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504")/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers. Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations

implementing §504 (34 CFR 104 et. seq.) until the end of the school year in which the student reaches the age of 21.

### **IDEA Disability**

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter “IDEA”) [a student with an educational disability], The Committee on Special Education (hereinafter the “CSE”) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs, and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school.

### **Suspensions beyond Ten (10) School Days**

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges was not a manifestation of the student’s disability.

A student classified deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student’s misconduct was not related to the student’s disability;
2. The School District obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use, or sale of illegal drugs at school or a school function;
4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

### **Suspensions for Misconduct Involving Weapons and/or Drugs**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative education setting for up to forty-five (45) days if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.” (See page 2 for detailed description)
2. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student’s disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student’s IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to student whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed the student’s “stay put” placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more that 10 school days, the School District may

initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting.
3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

### **Declassified Students**

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

### **DISCIPLINARY MEASURES (K – 12)**

1. Warnings (oral or written).
2. As per Superintendent guidelines, lunch detention or loss of part of recess period or temporary removal from classroom to alternative setting.
3. Lunch detention or loss of all recess for one or more days or temporary removal from classroom to alternative setting.
4. Suspension from school for up to five school days.
5. Suspension from school in excess of five school days.
6. Suspension from school for at least one year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five days.
7. Placement in an interim alternative educational setting for a period of up to forty-five days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
8. Permanent suspension (expulsion).

### **CODE OF CONDUCT VIOLATIONS WITH PENALTY REFERENCES**

#### **K-12 (Numbers refer to the elementary discipline measures)**

1. Acts which disrupt instruction (1,2,3,4)
2. Repeated or serious acts that interfere with the teacher's authority in class (4,5)

3. Using foul language and/or indecent gestures (1,2,3,4)
4. Failure to follow school rules and staff directions (1,2,3)
5. Dress or grooming which is not appropriate as describe in this code (1,2)
6. Possessing or sharing obscene materials (1,2,3,4)
7. Smoking or other tobacco use (4, notification to Dutchess County Health Dept.)
8. Cheating in any activity (1,2,3,4,5)
9. Using foul language and/or gestures which provokes a fight (2,3,4)
10. Choosing not to obey the directions of school staff (insubordination), including directives not to engage in poor conduct as described in this code (1,2,3,4,5)
11. Fighting between students where no dangerous instruments are involved and no person is injured in the event (2,3,4)
12. Fighting between students where harm is caused to one or more of the students present (3,4,5,8)
13. A fight involving the use or threatened use of a dangerous or deadly weapon (4,5,6,8)
14. Any violent act against a teacher or other staff member, as described in this code (4,5,8)
15. Any violent act against another as described in this code (4,5,8)
16. Possession of dangerous or deadly weapons on school property (6,8)
17. Possession of illegal drugs to be such drugs or alcohol, at school or while attending school function (4,5,7,8)
18. Sale or other distribution of illegal drugs, alcohol or counterfeit, dangerous drugs, counterfeit drugs or alcohol or a substance which the individual believes or represents to be such drugs or alcohol at school or while at school functions (5,7,8)
19. Possession and/or use of fireworks on school property or at school function (4,5,6,8)
20. Acts which constitute a misdemeanor while on school property or at a school function (4,5)
21. Acts which constitute a felony while on school property or at a school function (4,5,8)
22. Gambling (3,4)
23. Hazing (4,5)
24. Lewd behavior (3,4,5)
25. Extortion (4,5,8)
26. Plagiarism (3,4)
27. Arson (4,5,8)
28. Intentional destruction of school property (3,4,5,8)
29. Theft of school property (4,5,8)
30. Possession or use of beepers, lighters, light or laser pointers, laptops or other electronic devices during the school day (confiscation, 2,3)
- 31. Use of cell phones is prohibited (confiscation 2,3)**
32. Violation of the district computer use policy (1,2,3,4,5, suspension of computer privileges)
33. Eating or drinking outside of lunch periods or where prohibited (1,2,3)
34. Activation of a false alarm, bomb threat or other disaster alarm (5,6,7)
35. Forgery or fraud (3,4,5)
36. Harassment (sexual, racial, etc.) (2,3,4,5,6,7)
37. Intimidation or coercion (3,4,5,7)
38. Leaving school grounds without permission (3,4)
39. Public displays of affection beyond hand holding (1,2,3)
40. Theft of personal property (2,3,4,5)
41. Trespassing while suspended from school (4,5)
42. Bullying (1,2,3,4,5,8) \*Note: Also for secondary students.

**ELEMENTARY CODE OF CONDUCT VIOLATIONS (K - 5)****Truancy**

A student with an unauthorized absence from school is considered truant and insubordinate.

**First referral** - After ten days of absence/tardy a letter will be sent to the parent with a copy placed in the student's cumulative file.

**Second referral** - After fifteen days of absence/tardy, a referral to the Learning Improvement Team and parent conference will be made. A follow up letter will be sent to the parent and a copy placed in the cumulative file.

**Third referral** - After 21 days, a referral to the appropriate authorities will be made. A letter will be sent to the parent and a copy placed in the cumulative file.

**SECONDARY CODE OF CONDUCT VIOLATIONS (6 – 12)****Truancy**

A student with an unauthorized absence from class or school is considered truant and insubordinate.

**First referral** – The student will be referred to an administrator. The teacher will contact the parent/guardian. Discipline will range from detention to in-school restriction.

**Second referral** – The teacher will complete a referral to the appropriate administrator. The teacher will contact the parent/guardian. Guidance may be involved in counseling the student. Parent communication will be from an administrative office. Discipline will range from detention to in-school restriction.

**Third referral** – A referral will be made to the appropriate administrator and the student will be assigned discipline including in-house restriction and interventions with academic support. The teacher will contact the parent/guardian. Administrative conference will be held involving parent, teacher, and student. Parent communication will be from an administrative office.

**Fourth referral** – The student may be referred to an Intervention Team/ Administrator for parent conference. The Intervention Team will be comprised of an administrator, social worker/psychologist, general education teacher/special education teacher, and nurse. Discipline may include loss of privileges, referral to Youth Services, and further discipline such as in-house restriction. The teacher will contact the parent/guardian.

**Fifth referral** – A referral will be made to the appropriate administrator. The teacher will contact the parent/guardian. A Principal's conference may be held involving parent, student, and guidance counselor.

**Off-Campus Misconduct**

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

**K-12 CODE OF CONDUCT VIOLATIONS****Dress and Grooming**

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

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

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the students or others);
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body or midriff (e.g., T-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- any dress or appearance which encourages or advocates the use of illegal drugs, alcohol, and/or tobacco;
- any dress or appearance which advocates or encourages the other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- any dress or appearance which constitutes a disruption to the educational process.

Disciplinary measures: parent contact, warning, detention, alternative to suspension.

### **Computer and Internet Use**

The following prohibited use of district-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail originating from the school premises or received at the school premises that a student user creates that:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys an imminent threat of violence including sexual violence, to a specific individual or individuals;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.
5. Misuse of hardware.
6. Violation of WCSD Policy #4526.1 – "Internet: Acceptable Use Policy"

Disciplinary measures: warning, detention, in-school restriction, suspension from school, suspension of computer privileges, removal from class, alternative to suspension.

### **Leaving School Grounds Without Permission**

Upon arrival at school, students may not leave the school grounds during the day under any circumstances without prior administrative authorization. Administrative

authorization may be in the form of either a permanent early dismissal or a temporary one arranged on an “as needed” basis through the Attendance office with parental permission. Disciplinary measures: in-school restriction, external suspension, alternative to suspension.

### **Lateness to School, Class, Homeroom and Study Hall**

#### **Disciplinary measures for Grades 6 – 8:**

Tardiness is defined as entering the classroom after the official beginning of class, without a pass or a valid reason. If a student is tardy, the procedures will include:

- a) For the first three offenses, a teacher’s warning and a teacher phone call to the parent.
- b) After chronic tardiness (i.e., three in a ten-week period), a referral to administration will result.
- c) Tardy students will not be denied entrance to class.
- d) Chronic tardiness after referral to an administrator will result in parent contact, detentions and/or in-school restrictions.

#### **Disciplinary measures for Grades 9 – 12:**

Students are considered late if they are in the halls after the LATE BELL rings. Students going to the cafeteria, library or PE are expected to be there by the time the late bell rings.

Each class, including homeroom, is considered separately.

Each referral represents three lates.

#### Disciplinary Measures:

- First incident** - Warning by the teacher.
- Second referral** – Referral to appropriate administrator and one detention. Teacher will contact parent.
- Third referral** - Referral to appropriate administrator and two detentions. Teacher will contact parent.
- Fourth referral** - Discipline will range from loss of privileges, such as suspension of parking permit, participation in school activities such as sports, clubs or performing groups for a period time, detention, parent contact and/or in-school restriction. Teacher will contact parent.

A student will be considered insubordinate if lateness continues and may be assigned in-school restriction, external suspension, or loss of privileges. \* See district attendance policy.

#### **Substance Abuse**

Students shall not possess, transfer, use, sell or otherwise furnish or be under the influence of any illegal and/or controlled substance, drug paraphernalia, alcoholic beverage or an intoxicant of any kind on school property or at a school function.. Students shall not transfer, furnish, offer, arrange or negotiate to sell any controlled substance, drug paraphernalia, alcoholic beverage or intoxicant of any kind, and then either sell, deliver or otherwise furnish to any person another liquid, substance or material and represent the liquid, substance or material as a controlled substance, alcoholic beverage or intoxicant. Students shall not transfer, furnish, possess or offer, arrange or negotiate to sell any drug paraphernalia. Students shall not possess, transfer, use or sell

“over the counter” or prescription drugs. Where necessary, a search of the student and his possessions will be conducted by an administrator or administrator designee.

Students violating this policy may be suspended for any act which is related to school activity or attendance which occurs anytime, including, but not limited to while the student is on school grounds, going or coming from school or while going to or coming from a school-sponsored activity.

The school, once it determines that a student has violated this policy, will notify the appropriate law enforcement or juvenile agency. When the school releases a student to a peace officer for the purpose of removing the student from the school premises, the school shall take immediate steps to notify the parent, guardian or responsible relative of the student regarding the release of the student to the officer and regarding the place to which the student is reportedly taken.

Prior to re-admittance, all attempts will be made to counsel both parents and student as to the perceived severity of the problem and to suggest involvement with appropriate professional support agencies. The student, if and when re-admitted to school, will be required to become involved with the Student Assistance Counselor.

A student in violation of the policy may be immediately suspended for a minimum of five days with the probability of a Superintendent’s Hearing that may result in a long term or permanent suspension (3214). Students violating this policy may also be subject to corrective action as deemed appropriate by the school, including being placed in an alternative education program.

### **Contraband/Weapons/Dangerous Instruments/Nuisance Devices**

A. Students shall not possess on themselves, in their lockers, or in their cars on school property dangerous and/or illegal items that will include, but not be limited to the following:

1. Weapons/dangerous instruments such as any firearm, gravity switchblade, or knife of any kind, cane sword, Billy jack, metal knuckles, light or laser pointers, shock devices, pepper spray, box cutter, chukka sticks, slingshot, razor, stiletto, explosive substance or incendiary device, any gun including rifle, shotgun, handgun, imitation handgun, BB gun, dart gun, paint ball gun or pellet gun.
2. Tobacco products, lighters, or matches.
3. Fireworks of any kind.
4. Any item which is considered to be illegal by the penal law of the State of New York.
5. Any item which a member of the staff may consider dangerous.
6. Gun

### **Disciplinary Measures:**

Any object considered to be fireworks, a weapon, and/or a dangerous instrument or any other object intended as a weapon will result in police involvement, five days suspension and the probability of a long term suspension. Any other object that can potentially endanger the health and safety of others, will, at the discretion of the administration, result in short term suspension and/or the probability of a long-term suspension. Students who have a question about any object or instrument in their possession should, upon

arrival to the building, consult with an administrator. All objects considered dangerous by the school staff will be confiscated.

If the student is found guilty of bringing a “firearm” as defined in federal law, in one of the public schools or other premises used by the school district to provide such programs, a mandatory suspension of one year will be imposed, subject to modification by the Superintendent or his designee on a case-by-case basis.

B. Students shall not possess/use/distribute nuisance items such as graffiti instruments, noxious chemicals, water guns, or cap guns.

C. Items brought to school for demonstration in a teacher-directed and supervised activity will have prior administrative approval and registration. The item shall be turned over to the appropriate staff member at the beginning of the school day. Under no conditions shall the student have the items in his/her possession during the school day (except for the period of time during the supervised demonstration).

Failure to comply with the above regulations will result in the following:

- Items will be confiscated and disciplinary actions listed above under the Section A will be implemented.

### **Student Lockers**

Student lockers are the property of the school district. These lockers are for the storage of scholastic materials and for personal clothing. Students are responsible for the appropriate appearance and condition of their lockers.

School administrators reserve the right to search lockers.

### **Objectionable Physical Behavior/Fighting**

Objectionable physical behavior is that which infringes on the rights of others or results in bodily injury. Manifestations of this behavior include, but are not limited to, running in the halls, shoving, pushing, display of intimate affection, overt sexual display, harassment (including sexual harassment) of others, unsafe use of property, throwing of objects (i.e., snowballs, rocks, coins, etc.) and offensive gestures. Students exhibiting objectionable physical behavior will be subject to discipline ranging from an administrative conference to suspension.

Fighting is a serious breach of appropriate school conduct that can lead to serious physical harm. For students who are fighting:

the first offense will result in a minimum three day suspension.

the second offense will result in a five day suspension and a probable Superintendent’s Hearing.

Students refusing to follow the directive to disperse will be considered insubordinate and students continuing to loiter in the areas of an altercation may be suspended.

In circumstances where a student assaults another student and/or serious physical harm has occurred, the police may be involved. In such cases, the administration reserves the right to proceed immediately to a Superintendent’s Hearing which may result in a long

term suspension. The administration reserves the right to file disorderly conduct charges on students involved in fights on school grounds or at school sponsored activities.

### **Student Strike or Student Disorder**

In the event of a student strike or student disorder, the building principal or his/her designee will confront the students causing the disturbance. The principal or his/her designee will meet immediately with student representatives from the protesting group and will direct the other students to return to their regular classroom routine. Students failing to follow the administrative directions will be suspended and directed to leave the building with the understanding that long-term suspension may result. The parents of these students will be contacted.

In the event that the disruptive students refuse to leave the building and the school grounds after a reasonable time has elapsed as determined by the building administrator, the police will be called.

Students may be subject to arrest if they refuse to follow the administrator's directions.

### **Principal's Option - Excessive Misconduct**

Students who are involved in severe behavioral problems or who are repeatedly involved in disciplinary situations because of violations of the Code of Conduct may, at the discretion of the administration, be subject to a Superintendent's hearing to consider long term or permanent suspension from school.

If a student accumulates excessive penalties or the health, safety and welfare of the school community is threatened, the principal may, as appropriate, initiate the following:

- Mandatory in-school restriction during unassigned class or study hall periods
- A referral will be made to a multi-disciplinary team for review of the student's educational program and services.
- A PINS complaint will be filed.
- External suspension of the student.
- An alternative educational placement for the student will be made.
- A Superintendent's Hearing in contemplation of a long-term suspension from school.

### **Disorderly Conduct**

A student is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk, a student engages in fighting, or in violent threatening behavior, makes unreasonable noise, exhibits lewd behavior, uses abusive, racially offensive or obscene language or makes an obscene gesture, disturbs any authorized assembly or meeting, obstructs vehicle or pedestrian traffic, congregates with other persons and refuses to comply with the request of a person in authority to disperse or creates a hazardous or physically offensive condition by an act which services no legitimate purpose or whose conduct constitutes a misdemeanor or felony while on school property or at a school function.

#### **A. Files false fire alarms, bomb scares, false reports to 911, and threatens to injure person or property or commits arson.**

A student guilty of one of these actions will be subject to a Superintendent's Hearing, a long-term suspension, and will be prosecuted to the fullest extent of the law. Restitution will be required where applicable.

**B. Uses abusive or vulgar language including racial, sexual and/or ethnic comments.**

The use of abusive or vulgar language and racial and/or ethnic comments, either in general conversation or as directed to a school community member will result in discipline ranging from an administrative conference to external suspension and parental conference or a Superintendent's Hearing. Verbal abuse, vulgar language, racial or ethnic comments directed toward staff will result in a suspension and may result in a Superintendent's Hearing.

**3.1 Racial harassment of student consists of different treatment on the basis of race and is recognized in two different forms:**

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

\*For the sake of simplicity and clarity the term "race" shall be used to refer to all forms of discrimination prohibited by Title VI – that is, race, color and national origin.

**C. Insubordination.**

Insubordination occurs when a student willfully disregards a reasonable directive issued by a staff member.

The following are examples of insubordination:

- Refusal to give his/her name upon request.
- Refusal to wear and display student identification (high school only).
- Refusal to follow a directive during a fire drill, bomb threat or any other evacuation of building.
- Refusal to report to an administrator upon directive.
- Refusal to comply with any aspect of the code of conduct.
- Falsification of verbal / written information.

Disciplinary measures may include: detention, administrative conference, in school restriction, a parent conference, five day suspension. Depending on the severity and repetition of insubordinate acts, a student may be taken to a Superintendent's Hearing. If a student believes that he/she is being treated unfairly, the student should immediately and respectfully ask to be taken to an administrator to register the complaint.

**D. Vandalism.**

Vandalism is the intentional damage to the property of the school district or of any other person, which results in the cleaning, repair or replacement of the property.

The following are examples of vandalism:

- Defacing of walls, lockers, furniture, books, or other school equipment and materials
- Damage to floors, walls, ceilings, doors, windows and bulletin boards.
- Mistreatment of any equipment or furnishings, such as library visual aids and books.

According to New York State law, a student's parents or guardian may be held responsible for costs of vandalism for which their student is responsible.

Disciplinary measures will include: payment for the total repair/replacement costs, working in the school building, alternative to suspension, detention, suspension of one to five days, arrest and possible Superintendent's Hearing.

**E. Physical, verbal or graphic harassment, threat or assault directed at student or the staff.**

Any student who intentionally harasses, threatens and/or assaults students or a member of the staff will be disciplined to the full extent of the New York State laws and district rules, including external suspension, a Superintendent's Hearing and legal prosecution. Included are actions on and/or off school grounds and through the use of the internet, telephone and electronic devices.

**F. Bullying**

Bullying is physical or psychological harassment of one student/teacher by another student. Bullying shall be deemed to have occurred when a specific student is the subject, over periods of short or longer duration, of targeted negative actions including threats, harassments or intimidations by another person, physically, verbally or in writing. Bullying is an act of intimidation intended to achieve forced compliance and may include engaging in actions or statements that put an individual in fear of bodily harm. Bullying is a very serious matter and those who engage in such conduct will be subject to discipline to the fullest extent of this code of conduct or applicable New York State law.

**Bullying may result in: behavior contract, bus suspension, in school restriction, an out of school suspension or Superintendent's Hearing.**

**G. Sexual harassment.**

Students who believe they have been subjected to sexual harassment must, at the earliest possible time, report the incident to the school's equity officer/team and/or the building Principal, Assistant Principal or guidance counselor. Should the Principal be the alleged harasser, the report should be made to the District Compliance Officer designated by the Board of Education.

Disciplinary measures will include: parent conference, detention, in-school restriction, external suspension including long-term suspension.

**H. Abuse of cafeteria privileges.**

Students are expected to return their trays, dishes, and eating utensils to the reception center. All students are expected to clean up after themselves and to comply with the reasonable requests of the cafeteria personnel, monitors and faculty.

No food or drinks are to be taken from the cafeteria area. No eating or drinking is permitted in hallways or classrooms unless an administrator grants permission. Students abusing their cafeteria privileges will be disciplined as follows:

Loss of cafeteria lunch privileges for a designated period of time, assignment to detention, appropriate clean up assignment or in-school restriction.

Parent/guardian will be notified and requested to provide a bag lunch for the student, if necessary.

Throwing food ("food fights") will result in suspension from school.

**I. Theft/Burglary/Larceny**

Theft: wrongfully taking, depriving or withholding property from another.

Burglary: entering school property with intent to commit a crime.

Larceny: unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently.

Disciplinary measures may include restitution, parent/administrative conference, in school restriction, suspension and long term suspension.

**J. Disruptive noise/disruptive objects/distracting items.**

Disruptive noise is any noise that is excessive, intolerable or interferes with the learning experiences of others. Radios, tape players, electronic devices including games, light or laser pointers, cameras and video cameras, except as specifically authorized, as well as other non-curricular items used for play and/or entertainment during the school day.

These items may be confiscated and stored for the day. The district is not responsible for lost/stolen items. Confiscated property may be returned only to parents, or to students following a phone call or letter from the parent/guardian to the administrator. Taping of classes shall not occur without the permission of the instructors.

Cell phones must not be visible and not turned on during the scheduled school day.

Students are encouraged to leave cell phones at home, as the Alert Now system will contact parents in the event of an emergency. **Use of a cell phone will result in confiscation by a teacher or administrator. If the teacher confiscates the cell phone, at the first available opportunity he/she will call the office/deliver directly to the administration.** Use of cell phones in any manner during the administration of state or local examinations will result in the student's exam being immediately invalidated and the additional potential of no credit awarded for the assessed work. Disciplinary measures may include: detention, in-school restriction, confiscation, parent pick up of cell phone, suspension, alternative to suspension.

**K. Unauthorized sale of merchandise on school grounds.**

The unauthorized sale of any merchandise (including candy) to other students is not permitted on school grounds or on buses. Any sale of an item on school grounds must have prior approval of the building principal.

Disciplinary measures will include: warning, parent conference, detention, in-school suspension, alternative to suspension. Unauthorized merchandise will be confiscated by the administration.

**L. Distribution of written materials on school grounds**

Prior to its distribution on school grounds, written material must first be presented to the building principal for approval.

Disciplinary measures will include an appropriate clean up assignment.

**M. Extortion**

Extortion is any action intended to acquire money or property from another person against his/her will and as otherwise set forth in the penal law. Panhandling at lunch lines and/or at cafeteria tables is strictly prohibited.

Disciplinary measures will range from an administrative conference to a long-term suspension.

**N. Littering**

Discarding debris such as paper, chewing gum, lunch bags, food, cigarette butts, etc. in the hallways, lavatories, classrooms and other areas, both inside and outside the building, school buses, is prohibited.

Disciplinary measures will range from an appropriate clean up assignment to suspension.

**N. Gambling**

Gambling on school property or at school sponsored activities is prohibited.

Disciplinary measures will include in-school restriction and external suspension.

**P. ID Badges**

All students must display/present upon request identification badges (upon policy implementation).

**Q. Attendance Policy**

It is the goal of the Wappingers Central School District to afford each student the opportunity to meet his/her full potential. In addition to the Commissioner's regulations

(§ 3205) concerning compulsory school attendance, consistent attendance has been shown to be a major contributing factor in academic achievement. Therefore, the board of education considers that implementing an appropriate level of discipline for unauthorized absences is one mechanism for assisting parents and staff in maintaining students' attendance.

### **1. Compulsory Education Under New York State Law**

New York state compulsory education laws specify that a minor from six (6) to sixteen (16) years of age, who is mentally and physically fit, be in regular attendance, where the student resides, for the entire time schools are in session. A child who turns sixteen (16) years of age during a school year must continue in attendance until the end of the school year. According to state law, the school year begins July 1st.

Under New York State Education Law Section 3205, parents are responsible for the regular attendance of their children.

However, successful implementation of this policy requires cooperation among all members of the educational community, including parents, students, teachers, administrators and all staff members.

### **Parent/Guardian Responsibilities**

1. It is the responsibility of parents/guardians to ensure that their children attend school regularly and on time.
2. Parents are required to provide their current home address, telephone number, emergency number(s) and a list of adults to contact in the event of an emergency.
3. Parents are to notify the school(s) promptly when there is a change in the emergency contact information as set forth in item 2 above.
4. When a student is absent from school, parents/guardians must provide a written excuse upon the student's return to school.
5. The written excuse must be submitted to the Attendance Office within five (5) school days of the absence. Failure to do so will result in the absence being recorded as an unexcused absence.
6. The District may require a doctor's verification of an absence purported to be related to an illness if there appears to be an inappropriate pattern of absenteeism or in other appropriate circumstances.
7. When a student is tardy to school, parents/guardians must provide a written excuse upon the student's arrival at school. Failure to do so within five (5) school days will result in the tardy being recorded as an unexcused absence.

### **Student Responsibilities**

1. Students must attend school daily and be on time.
2. Students must attend all classes and fulfill class requirements.
3. Students must consult with their teachers to arrange a schedule for makeup assignments and class work they have missed during their absence(s).

### **Administrators' Responsibilities**

1. Principal or designee is responsible for implementing the Attendance Policies of the District.
2. Principal or designee is responsible for his/her school's attendance services, assuring that all attendance reports are accurately completed and forwarded to the main office promptly.
3. Principal or designee must ensure register accuracy, admittance of late students, organization preparation and distribution of absence reports and provision for follow-through as needed, including phone and written communication to parents.
4. Principal or designee will review daily the daily attendance report.
5. Principal or designee is responsible for identifying students who require attendance intervention services for absence or tardiness (ref. V., 3. and VIII).
6. School officials are mandated to report all matters of suspected educational neglect to Child Protective Services.
7. The administrators shall report to the Superintendent of Schools on a periodic basis to align with a 5-week schedule. Reports shall be both for the specific period and cumulative for the year-to-date. Reports shall be based on the following data:
  - a. Daily average attendance.
  - b. Number of tardys elevated to unexcused absences.
  - c. Number of Attendance Probation contracts written and number of adherents/non-adherents to individual contracts.
  - d. Number, type and quality of staff comments on the Attendance Policy.
  - e. Number, type and quality of parent/guardian comments on the Attendance Policy.
  - f. Number, type and quality of student comments on the Attendance Policy.

### **Teachers' Responsibilities**

1. Classroom/subject area teachers are required to record and report attendance daily in each class as prescribed in Section 3211 of the New York State Education Law and applicable Commissioner's Regulations.
2. Teachers must submit a written referral to the appropriate administrator within five (5) school days as per the District's Code of Conduct.
3. Teachers and school personnel will continually stress to students the importance of promptness and regular attendance in educational and business matters; they will set a positive example through their own contact with classes and will report patterns of chronic absence or tardiness.

### **II. Objectives**

Good attendance and class participation are essential to academic success. Classroom lessons foster and require social interaction, development of effective

communication skills, and critical thinking in addition to subject mastery. Textbook or make-up assignments are not adequate substitutes for classroom attendance and participation.

### **III. Strategies Employed to Accomplish Objectives**

Effective implementation of the Attendance Policy requires all participants to be informed and to understand fully its purpose, procedures, and the consequences of noncompliance. To ensure that students, parents, teachers and administrators are notified and understand this policy, the following procedures shall be implemented:

1. Students shall receive a copy of the Attendance Policy, which will be reviewed in homeroom within the first two days of school. Students and their parents/guardians will be asked to sign and return a statement indicating that they have read and understand the policy;
2. The Attendance Policy will be discussed at grade-level assemblies and in individual classrooms;
3. The attendance Policy will be included in the Student Handbook;
4. The Attendance Policy will be posted in individual classrooms;
5. The Attendance Policy will be available on the district's web site;
6. The Attendance Policy will be contained in the Curriculum Guide;
7. The Attendance Policy will be reviewed with parents at orientation;
8. The school newspaper and district publications will include periodic reminders of the components of the Attendance Policy;
9. The Attendance Policy will be part of the New Teacher Orientation program;
10. The Attendance Policy will be periodically reviewed at faculty meetings;
11. The Attendance Policy will be included in the Teacher Handbook.

### **IV Attendance Requirements for 9th – 12th Grade Students**

1. Unless they maintain the commitments put in place through the Attendance Probation process, any student in grades 9 through 12 who has been determined to exceed ten (10) school days in the aggregate in a semester course or in excess of twenty (20) school days in a full year course of unexcused absences, shall be ineligible for full course credit and shall be ineligible to submit any paper, homework or other work to be graded by their teacher(s), and shall not be permitted to take any quizzes or examinations in the course.

### **V Absences**

1. Students shall not be considered absent when they are authorized by school officials to be somewhere other than in their regularly scheduled classes. For example, if school personnel expect the student to report elsewhere during their regularly scheduled class

time for activities such as: conferences with school personnel, testing, physical exams, music lessons, drama productions, athletic competitions, field trips, mandatory college orientation (limit of one, documentation and advanced administrative approval required), college visitation days (maximum of 3 with documentation and advanced administrative approval required, or other activities as approved by the Principal, the student shall not be considered absent. (See Attendance Code, attached as Appendix "A").

2. Excused absences include: Illness of student;

a. Illness or death in family/immediate and extended/significant other;

b. Urgent medical appointment, which is documented as unable to be scheduled outside the school day;

c. Documented religious observance;

d. Documented mandatory legal circumstances;

e. Documented quarantine;

f. Impassible roads;

g. Other absences which may have been approved by the Commissioner of Education.

3. All other absences are Unexcused Absences. They include, but are not limited to:

a. Absent without permission;

b. Four (4) latenesses of less than fifteen (15) minutes without an authorized pass will result in one (1) unexcused absence;

c. Not reporting to the designated location after obtaining an authorized pass from a class;

d. Leaving school due to illness without the permission of the nurse;

e. Leaving school due to an emergency situation without the permission of the Principal or designee;

f. Vacation.

## **VI Incentives and Consequences for Attendance Patterns**

The school will offer incentives for excellence and/or improved attendance. These may include:

1. Recognition award each semester;

2. Community donated gifts given to students who meet attendance standards;

3. Publication of an Attendance Honor Roll each quarter;

4. Special privileges awarded to students with outstanding attendance;

5. Special events for students who meet attendance standards;

6. Attendance records may be reviewed and considered during the post-secondary recommendation process.

## **VII Communication & Notification**

In the spirit of ongoing intervention and in order to motivate our students to improve attendance, parent(s)/guardian(s) will be notified of unexcused student absences. The following pertains to the number of unexcused absences in a two-semester (full-year) course. A parent may receive several notices if the excessive unexcused absences exist in more than one class.

1. Unexcused Absences 1 – 6: Teachers are expected to confer with students and their parents concerning academic and attendance issues. [An attendance calling system will notify parent(s)/guardian(s) with a phone call in the evening.] (Unauthorized absence from class or school is considered truancy and insubordination, and the District

will treat the unexcused absences in a manner consistent with the District's Code of Conduct.)

2. As soon as possible after the 7th unexcused absence from a full year course, the high school administration shall send written notification (which may be via e-mail if the parent/guardian has agreed to receive school communications through the method) to the student's parent(s) and guidance counselor. The letters shall notify the parent(s)/guardian(s) as follows:

a. After the 7th unexcused absence, the parent(s)/guardian(s) will be notified that the student has been absent half the number of maximum unexcused absences and may lose credit if such absences continue.

b. A conference with parent(s)/guardian(s), student, and school officials will be scheduled.

c. After the 14th absence, the parent(s)/guardian(s) will be notified in writing that the student has only one (1) unexcused absence remaining and may lose credit if unexcused absences exceed the limit.

d. After the 18th absence, the parent(s)/guardian(s) will be notified in writing that the student has only one (1) unexcused absence remaining and may lose credit if unexcused absences exceed the limit.

3. The following pertains to the number of unexcused absences in a one-semester course.

a. Unexcused Absences 1-3: Teachers are expected to continue to confer with students and/or their parent(s)/guardian(s) with a phone call.

b. As soon as possible after the 4th unexcused absence from a half-year course, or full-year alternating day course, the high school administration shall send written notification to the student's parent(s)/guardian(s) and guidance counselor (see e-mail notification above). The letters shall notify the parent(s)/guardian(s) as follows:

i. After the 4th unexcused absence that the student has been absent half the number of maximum absences and may lose credit if unexcused absences continue. Guidance will continue to confer with students and their parent(s)/guardian(s) concerning academic and attendance issues.

ii. After the 7th unexcused absence, the parent(s)/guardian(s) will be notified in writing that the student has only one (1) unexcused absence remaining and may lose credit if unexcused absences exceed the limit.

iii. After the 10th unexcused absence, the parent(s)/guardian(s) will be notified that the student may lose credit due to excessive absenteeism.

In every letter to a student's parent(s)/guardian(s), a request will be made for the parent/guardian to contact the child's counselor. The counselor will discuss the impact of excessive unexcused absences on the student's education and the associated consequences. The parent(s)/guardian(s) will have an opportunity to confer with the

school staff. However, a conference with the parent(s)/guardian(s) is not a prerequisite to denying academic credit to a student who either has failed to meet class requirements or has not successfully maintained all obligations under an Attendance Probation contract. The primary responsibility for a student's attendance in class rests with the student and parent(s)/guardian(s).

### **VIII. Intervention Strategies**

Students who begin to exhibit an excessive number of days absent or tardy without an approved excuse will be referred to district pupil personnel service professional (e.g., guidance counselor, social worker, and psychologist) to try to identify the causes and seek solutions to the problems. The pupil personnel service professional(s) may work with families to find ways to foster better family relationships and improve student attendance. Additionally, referrals to outside agencies may be made in accordance with law and applicable confidentiality requirements.

Consequences for unexcused absences, truancy, and tardiness will include after-school detention, in-school restriction, and referral for a YSU (Youth Service Unit) or PINS (Person In Need of Support) petition, as appropriate.

The principal or the designee will be responsible for filing the PINS petition, as appropriate.

### **IX. Make-Up Opportunity**

Student in jeopardy of losing credit may make up (remove) one previous unexcused class absence from every course where the student is about to exceed the minimum attendance requirement. This may be done through the following:

1. Obtain, complete, and return to the teacher(s) one (1) assignment, as directed, for each class period made up. This may be done only one time for every course where the student is in danger of exceeding the minimum attendance requirement.

Make up must be done prior to a student exceeding the limit that requires implementation of an Attendance Probation contract.

### **X. Appeal Process**

As stated above, it is the goal of the District, in order to provide the opportunity for the highest individual academic achievement, to ensure that each student attends the maximum number of days possible. With that goal in mind, there is also the reality that life sometimes presents individuals with extenuating circumstances. It is not the purpose of this policy to punish students in good standing. Therefore, it will be the function of the Appeals Committee to hear students' appeals of the enforcement of this policy with respect to the mis-identification of an excused absence as an unexcused absence.

#### **Appeals, Part A:**

The written appeal for a hearing regarding the mis-identification of an excused absence

as an unexcused absence must be received in the Assistant Principal's Office within 5 school days of the date of the loss of credit notice for accumulated unexcused absences unless extraordinary circumstances warrant a departure from the 5-school-day requirement.

The Appeals Committee will consist of the Principal (or his/her designee); a guidance counselor, and a teacher. The Appeals Committee will meet during the instructional day. The student and parent(s)/guardian(s) will be notified in writing of their right to appear at this meeting, to provide supporting witnesses and/or a student advocate, and/or to submit appropriate, verifiable documentation of the excused absence for consideration by the committee. Upon consideration of all relevant information, the Committee will decide whether the absence is still considered unexcused. The student and parent(s)/guardian(s) will be notified in writing of the outcome of the meeting. If the absence be determined to remain unexcused, the parameters in section VII shall be followed. If the absence is approved as an excused absence, the parent(s)/guardian(s) and the student will be reminded that the student must, at all times, continue to satisfy all course requirements.

The charge of the Appeals Committee is to maintain the balance between the District goal and the special needs of a very small percentage of the student population. The Committee will be ever mindful of the obvious and time-tested correlation between frequent attendance and academic success.

Any further unexcused absence during the appeals process may result in dismissal of the appeal. The written notice to student and parent(s)/guardian(s) shall include a caution regarding this possibility.

If the Appeals Committee decides to approve the appeal to identify an unexcused absence as excused, it is expected that attendance from that point will be perfect or fully documented as legal. In the event of future illegal absences see Attendance Probation (B below).

## **Appeals, Part B:**

### **B: Attendance Probation:**

The district recognizes that responsibility and maturity develop at different rates. For the student who has not met his/her attendance responsibilities with respect to unexcused absences and may lose credit for that reason, the policy includes a "fail safe" provision. If the student is finally ready to commit to academic success and is resolved to attend school and follow all school rules and procedures, the student may apply for Attendance Probation.

#### **Eligibility:**

Students are eligible for and may apply for reinstatement in any class in which the minimum attendance requirement is exceeded with or without the Appeals process.

All students who elect to go through the Appeals: Part A will be notified of the attendance probation process.

Attendance Probation Procedure:

1. The student will report to the principal's office and fill out a probationary appeals application within five school days of notification of loss of class credit for unexcused absences. The student will complete and sign an Attendance Probation Form, which will be signed by the principal or designee. Once this form has been executed, the student is reinstated in the class and may immediately return to that class.
2. The principal will schedule a meeting as soon as possible with the Attendance Probation student to develop a contract that provides a path back to solid academic standing. The contract will be developed by a team consisting of the student, his/her parent(s)/guardian(s), a guidance counselor, the classroom teacher, and anyone else deemed appropriate by the principal, (social worker, school psychologist, etc.).
3. The basic elements of the contract will be the same for all students. These include but are not limited to:
  - a. No unexcused absences
  - b. Advanced notification for anticipated legal absence, or emergency absence with parent notification
  - c. A scheduled calendar for producing all make-up work
  - d. Any special conditions determined by the principal or his designee
4. Once the contract is developed and signed, the student must demonstrate his/her determination to re-instate him/herself by meeting all conditions of the contract. If the student does not meet the conditions agreed to in the attendance probation contract, individual course credit will be denied for that course and there are no further appeals, nor application for further attendance probation will be permitted for that course.

The student and parent(s)/guardian(s) will be made aware that, by the time the maximum unexcused absence limit has been exceeded and the student is involved in the Probationary Appeal process, a critical amount of class work, participation, and growth in the subject has been lost. Without a total and positive, commitment, this process will not work, and the student should consider other alternatives to achieve that credit.

## **XI. Minimum Attendance Requirement 6th – 8th Grade Students**

The policy for 6th – 8th grade students is consistent with the District's Attendance Policy. If a student in grade 6, 7, or 8 misses, without an acceptable excuse, a class which s/he is taking for high school credit, the student will lose credit pursuant to the procedures as applicable to students in grades 9 through 12. This shall apply to all students in grades 6-8, unless otherwise stated on a student's individual educational plan or 504 plan. The high school definition of absences, as well as the appeals procedure, applies for all 6th – 8th grade students.

## **XII. Minimum Attendance Requirement for K – 5th Grade Students**

The K – 5th grade attendance requirements are consistent with the District's Attendance Policy. All students must attend as per the Code of Conduct. This shall apply to all students in grades K – 5. The school staff will discuss the importance of school attendance and offer assistance to parents and guardians of students who are excessively absent without an approved excuse. Parent notification will take place as per the District's Code of Conduct.

**Pilot adoption criteria and schedule:**

**Upon approval of the Pilot Attendance Policy, the document will be disseminated for educational and informational purposes to staff, parent(s)/guardian(s), and students in a focused manner. The weeks between the board pilot adoption date and the end of the school year shall be used to educate the Wappingers Central School District community as to the rationale, purpose, and implementation of this policy.**

**The administration will follow the reporting schedule (ref. Administrators' Responsibilities) and the Board of Education shall review the reports at its regularly scheduled public meetings.**

**Upon receipt of the final report due at the Board's first meeting in April 2008, the Board shall discuss the adoption of the Attendance Policy on a non-pilot basis at its subsequent meetings. The Board shall make its decision to adopt the Attendance Policy, with whatever modifications or amendments have been determined to be required, at its first meeting in May 2008.**

**Nothing within the context of this implementation schedule shall prevent the Board of Education from amending the Pilot Attendance Policy at an earlier date based on its review of the administration's reports.**

**Recreational vehicles and equipment**

All forms of recreational vehicles are prohibited. Recreational vehicles include, but are not limited to trail bikes, mini bikes, unregistered motorcycles, dune buggies, mopeds, snowmobiles, motor homes, trailers, camping vehicles, scooters, skateboards and roller blades. Building administrators for school-related and approved functions may make exceptions.

**Student driving/parking privileges (SENIOR HIGH SCHOOL ONLY)**

Students must apply for permission to drive a car to school. All requests must go to the designated administrator's office for a parking permit and to register the car. Due to the fact that we have limited space in our parking lots, the following rules and regulations must and will be enforced.

1. No unlicensed motor vehicles are allowed on school grounds.
2. All students must fill out a driving permit card and agree to be bound by all terms and conditions expressed therein.
3. The following students will be given preference when applying for parking permits:
  - a. Co-op students, Work-study students, early dismissal students
  - b. Seniors, post-graduate students
  - c. Underclassmen with extenuating circumstances (with approval of the administration)
  - d. Renaissance card holders.
4. Student drivers must park in the designated areas only. Any car illegally parked or without a parking permit is subject to being towed at the owner's expense and the driver may be subject to disciplinary action.

5. Students are not allowed to go to parking lots or to cars during the day without prior written permission from a teacher or administrator.
6. Cars should be locked while parked on school premises.
7. The speed limit on school grounds is 10 m.p.h.
8. Driving privileges may be revoked and parent/guardian notified for the following reasons:
  - a. Leaving school early without proper authorization.
  - b. Dangerous and disruptive use of the car during school hours.
  - c. Speeding on school grounds.
  - d. Chronic tardiness to school.
  - e. Chronic classroom truancy.
  - f. Chronic disciplinary problems in school.
  - g. Misuse of the car during school hours.
  - h. Reckless driving on/near school property.
  - i. Violations of the Code of Conduct.
  - j. Failing to follow the directives of the school crossing guard, school security/safety officer or administrator on school grounds.
9. Temporary parking permits may be issued for extenuating circumstances. Students should see the administrator in charge of school parking.
10. School administrators reserve the right to search any cars parked on school grounds in order to protect the health, safety and welfare of our students.
11. Three violations of the parking code will result in the loss of parking privileges for the remainder of school year.
- 12. Under crisis conditions, students may be directed not to use their personal vehicles and will be asked to await parental pick-up or school transportation (crisis reunification process).**

All students requesting parking permits must be academically eligible.  
 Disciplinary measures for violating the parking regulations: fines, suspension, external suspension, and revocation of parking privileges

### **Possession and Use of Tobacco Products**

In accordance with the Public Health Law 1399, Article E, smoking or the use of tobacco-related products by **all persons** in school buildings, on school property or at school-sponsored activities and the possession of tobacco products is prohibited. Disciplinary measures for possession of tobacco-related products may include a one day suspension.

Continued violations will result in a referral to the Dutchess County Department of Health.

Disciplinary measures for smoking on campus – outside: may include: a two day external suspension, referral to Student Assistance Counselor and referral to the Dutchess County Health Department/**Smoking Cessation Program, with parental consent.**

Disciplinary measures for smoking on campus – inside the building:  
**First offense** – may include a three day external suspension, referral to Student Assistance Counselor (at secondary buildings) and referral to the Dutchess County Health Department, with parental consent.

**Second offense** –may include a four day external suspension, referral to Student Assistance Counselor (at secondary buildings) and referral to the Dutchess County Health Department, with parental consent.

**Additional offenses** – may include a five day external suspension, referral to Student Assistance Counselor (at secondary buildings) and referral to the Dutchess County Health Department, with parental consent.

### **Honor Code Violations**

A healthy learning environment can exist only if a commitment is made by all to live in the most ethical way possible. Those who refuse to make this commitment hurt not only themselves but also those in the entire school community.

#### **A. Cheating**

A grade of zero will be given to any student who gives or receives information, including electronically, on any form of a test, quiz or lab. Any person falsifying a grade or a test or related material, with the goal of increasing that grade shall take the penalty of cheating. A student may appeal the grade to the principal.

#### **B. Plagiarism.**

Plagiarism is defined as the act of stealing and passing off as one's own the ideas or words of another, or using a created production without giving credit to the source. Any student who plagiarizes will receive a zero on the plagiarized work.

#### **C. Falsification and forgery.**

Falsification refers to the act of changing, adding to or deleting information from an absence note, early dismissal note, late arrival note, hall pass, parking permit, etc.

Falsification also refers to deliberately providing false/inaccurate information.

Forgery refers to the act of writing one of the above and passing it off as written by the appropriate adult.

Disciplinary measures: the administrator will contact parent and discipline will range from in-house restriction to external suspension and loss of parking privileges.

Disciplinary measures for honor code violations include: administrator will contact parent, detention, in-house restriction, external suspension, alternative to suspension.

### **CHRONIC REPEATING OF CODE OF CONDUCT INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

### **PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

### **PROHIBITED CONDUCT**

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

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, bully, harass, or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation, or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty, or staff member
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

### **PENALTIES AND PROCEDURES**

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

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct.

- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

### **ENFORCEMENT PROGRAM**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so, officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of will full violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

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

### **DEFINITIONS**

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

**Arson:** Intentionally starting or attempting to start any fire or combustion.

**Assault:** With criminal intent, the act of threatening to strike, attack, or harm a person in school or at any school sponsored or supervised activity; Intentional offensive/physical contact without consent.

**Battery:** Any physical force or violence unlawfully applied to any person. This can include jostling, tearing clothes, seizing or striking another person so long as there is criminal intent.

**Bomb/explosive:** Device containing combustible material and a fuse, including fireworks M-80 or larger.

**Bullying:** Bullying occurs when a student is the target, over time, of repeated negative actions. It is not bullying when two students of approximately the same age, strength or developmental level fight or quarrel. Bullying means there is an imbalance of power so that the student being victimized has trouble defending himself or herself.

**Burglary:** Unauthorized entry into an unoccupied school building with the intent of committing a felony when the building is closed to students and the public.

**Disorderly conduct:** Behaving in a violent or seriously inappropriate manner which disrupts the educational process. This category is used when the police cite a student for extreme disruption.

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

**Drug/alcohol/chemical offense:** Any controlled substance or alcohol. This includes any transfer of a prescription drug or any substance alleged to be a drug regardless of its actual content.

**Extortion:** Use of "mild" threats or intimidation to demand money or something of value from another (no weapon).

**False fire alarm:** Report a fire to school or fire officials or setting off a fire alarm without a reasonable belief that a fire exists.

**Gambling:** Playing any game of chance or skill for money or anything of value.

**Loitering/trespassing:** Entering school property or school facility without proper authority. This includes a student coming onto school property during suspension without prior administrative approval.

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

**Removal:** The act of a teacher in discontinuing the presence of the student in his/her classroom.

**Robbery:** Taking property from a person by force or violence or threat of aggression.

**School Function:** Any school sponsored extra-curricular, co-curricular or other event or activity.

**School Property:** In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in §142 of the New York State Vehicle and Traffic Law.

**Sexual assault/offenses:** Intentional sexual contact of a harmful or offensive nature.

**Sexual Harassment:** Unwelcome conduct of a sexual nature (including, but not limited to, comments, drawings, touching) which makes the educational environment hostile for the victim, and/or conduct whereby the aggressor seeks sexual favors in exchange for an educational benefit to be provided to or withheld from the victim.

**Suspension:** The act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

**Theft/larceny:** Unlawful taking and carrying away of property belonging to another person while the building is occupied with the intent to deprive the lawful owner of its use.

**Threatening/menace:** With criminal intent, the act of threatening to strike, attack or harm any person in school or at any school sponsored or supervised activity.

**Vandalism/graffiti:** The willful or malicious destruction or defacement of public or private property belonging to another.

**Violent criminal offense:** A crime that involved infliction of serious physical injury upon another as defined in the Penal Law, a sex offense that involved forcible compulsion or any other offense defined in the Penal Law that involved the threatened use of a deadly weapon. Under the No Child Left Behind Act of 2001, a student who has been the victim of a “violent criminal offense” has the option to transfer to another school in the district (if available) at the same grade level.

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

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

**Weapon:** A firearm as defined in the Gun-Free Schools Act (18 USC §921) (any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device), as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious 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.

Within one week of the opening of school, each school shall send to the parents of each enrolled student a copy of the Code of Conduct. Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the Code of Conduct. Each school shall maintain records of such signed statements.

-----  
**As parent/guardian, I have reviewed the code of conduct and the attendance policy within the code of conduct. The telephone number below is the number where I can be contacted for attendance/disciplinary issues.**

Student ID # \_\_\_\_\_ Grade \_\_\_\_\_ Homeroom \_\_\_\_\_

Student Name (print) \_\_\_\_\_

Student Signature \_\_\_\_\_

Parent Name (print) \_\_\_\_\_

Parent Signature \_\_\_\_\_

Telephone Number \_\_\_\_\_