

## SOUTH COLONIE CENTRAL SCHOOLS CODE OF CONDUCT

### I. INTRODUCTION

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

The South Colonie Central School District, through its present policies, has a long-standing set of expectations for its students, conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

The Board recognizes the need, based upon legislation adopted by the State of New York, to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. The Board now adopts this Code of Conduct (“code”).

### II. DEFINITIONS

For purposes of this Code, the following definitions apply.

**“Threatening another student or employee of the school district”** means students will refrain from engaging in threatening language or behavior directed towards other students. Threatening language is speech that is likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance or interest, and which would cause a reasonable listener to apprehend direct and immediate harm from the speaker. Threatening behavior is conduct directed towards another student or employee of the school district which produces a clear and present danger of harm.

**“Zero tolerance”** for those actions designed as Level I Infractions for both the middle school and high school. The zero tolerance with respect to those infractions is based upon civility, mutual respect, character, tolerance, honesty, and integrity.

**“Disruptive student”** means an elementary, middle, or high school 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.

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

**“School property”** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real boundary line of any school of the South Colonie Central School District, or in or on any district school bus as defined in Vehicle and Traffic Laws §142.

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

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

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

“**Weapon**” means a firearm as defined in 18 U.S.C. §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death. Any student possessing a weapon on school district property shall be suspended for a minimum of one year.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. Student Rights**

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

1. Take part in all District activities on an equal basis regardless of color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from authorized school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are excused and be in class, on time and prepared to learn.

4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **IV. ESSENTIAL PARTNERS**

##### **A. Parents - All parents are expected to:**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure that absences are excused.
5. Insist that their children be dressed and groomed in a manner consistent with the student dress code, as defined herein.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Provide a place for study and ensure homework assignments are completed.

##### **B. Teachers - All district teachers are expected to:**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair, consistent and even-handed manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

**C. Guidance Counselors**

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences, as necessary, and as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

**D. Principals**

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriation extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

**E. Superintendent**

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators to enforce the Code of Conduct and to ensure that all cases are resolved promptly and fairly.

**F. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions.
2. Adopt and review, at least annually, the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

**V. STUDENT DRESS CODE**

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

A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Not entail wearing brief garments such as plunging necklines (front and back), brief revealing garments, hooded sweatshirts, and coats in the classroom.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include headgear of any kind in the building, unless required for medical or religious reasons.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote or endorse the use of alcohol, tobacco, or illegal drugs, violent activities, either individually or through group activity.
8. Hair should not be worn in a facial concealing fashion.

Each building principal, or his/her designee, shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension of the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

**VI. PROHIBITED STUDENT CONDUCT**

Because of the size of the student population and the fact that students attend instruction in five elementary schools, two middle schools, and one high school, this section of the code has been divided into three sections:

- Behavior Expectations for Grades Kindergarten through 4
- Behavior Expectations and Discipline for Grades 5 through 8
- Behavior Expectations and Discipline for Grades 9 through 12 (complete copy of Code available in main office).

The underlying theme of the following three sections is that students of this District must conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel, the general public and for the care of school facilities and equipment.

The Board of Education is of the opinion that students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Given this duality of discipline, the following sections detail student behavior expectations and the consequences of that behavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed on the following pages are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept appropriate penalties for their conduct.

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal, or his/her designee. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, or the superintendent.

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

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

The building principal, or his/her designee, must notify the appropriate local law enforcement agency of those Code violations that constitute a crime.

## **VIII. DISCIPLINARY PENALTIES**

If the conduct of a student related to a disability or suspected disability occurs, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Students who are found to have violated the District's Code of Conduct may be subject to the penalties, outlined in the preceding sections, either alone or in combination. School personnel are authorized to impose that penalty, consistent with the student's right to due process as previously outlined.

#### **IX. TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time-out" in an elementary classroom or in an administrator's office; or (2) an opportunity for the student to regain composure in an alternative setting. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. Removal of a student in the elementary school setting shall be for a period of up to one hour.

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

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

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

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

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

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

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

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

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

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation except in those situations involving firearms and controlled substances after a manifestation hearing.

**X. SUSPENSION FROM SCHOOL**

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**A. Short-Term (5 days or less) Suspension from School**

When the superintendent or principal proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the District must immediately notify the student orally. If the student denies the misconduct, the district must provide an explanation of the basis for the proposed suspension. The District must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

#### **B. Long-Term (more than 5 days) Suspension from School**

When the superintendent or building principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

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

#### **C. A Student Who Brings a Weapon to School**

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

1. The student's age
2. The student's grade in school
3. The student's prior disciplinary record
4. The superintendent's belief that other forms of discipline may be more effective
5. Input from parents, teachers, and/or others
6. Other extenuating circumstances.

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

**D. Students Who Commit Violent Acts Other Than Bringing A Weapon to School**

Any student, other than a student with a disability, who is found to have committed a violent act as defined in Section II hereof, other than bringing a weapon onto school property or possessing a weapon on school property, shall be subject to suspension from school for at least five (5) days.

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

**E. Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority Over the Classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five (5) days. For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**XI. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problematic behaviors. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

**A. Authorized Suspension or Removals of Students with Disabilities**

1. For purposes of this section of the Code of Conduct only, the following definitions apply:

**Suspension:** a suspension pursuant to Education Law §3214(3)(a) through (d).

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

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

2. School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
  - a. The Superintendent or principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability to an IAES to be determined by the CSE, for up to 45 school days, but not to exceed the period of suspension ordered by the Superintendent, where the student has inflicted serious bodily injury upon another person; carries or possesses a weapon on school property; or possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while on school property. The period of suspension may not exceed the amount of time that a non-disabled student would be suspended for the same behavior.

For purposes of this section of the Code of Conduct only, the following definitions apply:

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

**Weapon:** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(2), which includes a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

**Controlled substance:** a drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both federal and state law and regulations.

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

- e. An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

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

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

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

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving serious bodily injury, weapons, illegal drugs, or controlled substances.

**C. Functional Behavioral Assessment and Behavioral Intervention Plan**

Where a student with a disability is suspended or removed from the student's current placement for more than ten (10) consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the CSE shall:

- a. conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan for such student; or
- b. if the student already has a behavioral intervention plan, the CSE shall meet to review such plan and its implementation and modify the plan and its implementation as necessary to address the behavior that resulted in the change of placement.

**D. Manifestation Determination**

A manifestation determination is a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability.

A manifestation determination must be made immediately, but in no case later than ten (10) school days after:

1. a decision is made by the Superintendent to change the placement of a student to an IAES;
2. a decision is made by an impartial hearing officer to place a student in an IAES; or
3. a decision is made the Superintendent or principal to impose a suspension that constitutes a disciplinary change in placement.

A manifestation determination shall be conducted in a meeting which must include a representative of the District knowledgeable about the student, the parent and relevant members of the CSE as determined by the parent and District. The parent must receive written notification prior to any manifestation team meeting similar to prior notice requirements under the Regulations of the Commissioner of Education regarding students with disabilities.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if:

1. the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
2. the conduct in question was the direct result of the District's failure to implement the IEP.

If the manifestation team determines that either paragraph (1) or (2) above is applicable, the behavior shall be considered a manifestation of the student's disability.

If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall conduct a functional behavioral assessment and implement a behavioral intervention plan, and return the student to the placement from which the student was removed, unless the parent and District agree to a change of placement.

If the school identifies deficiencies in the student's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

**E. Students Presumed to have a Disability for Discipline Purposes**

The parent of a student who violates any District rule or the Code of Conduct and has not been identified as a student with a disability at the time of such behavior may assert any of the protections set forth in the Federal and State Education Law and Regulations, if the District is deemed to have had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Where the District is deemed to have had knowledge that the student was a student with a disability before such behavior occurred, such student is **presumed to have a disability for discipline purposes**.

The District shall be deemed to have had knowledge that such student had a disability, if prior to the time the behavior occurred:

1. the parent of such student had expressed concern in writing to administrative personnel or to a teacher of the student that the student needed special education;
2. the parent of the student requested an evaluation of the student; or
3. a teacher of the student, or other personnel of the District expressed specific concerns about a pattern of behavior demonstrated by the student, directly to administrative personnel in accordance with the District's child find or special education referral system.

A student is not a student presumed to have a disability for discipline purposes if:

1. the parent of the student did not allowed an evaluation of the student;
2. the parent of the student refused services; or
3. it was determined that the student was not a student with a disability.

If it is claimed that the District had a basis for knowledge that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent or principal to determine whether the student is a student presumed to have a disability.

If the Superintendent or principal determines that there is no basis for knowledge that the student is presumed to have a disability, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in similar behaviors. A request for an individual evaluation made while such non-disabled student is subjected to a disciplinary removal, should be conducted in an expedited manner. An expedited evaluation shall be completed no later than 15 school days after receipt of the request for evaluation. The CSE shall make a determination of eligibility of such student in a meeting held no later than 5 school days after completion of the expedited evaluation. Until the expedited evaluation is completed, the non-disabled student shall remain in the education placement determined by the District, which can include suspension.

**F. Due Process Procedures**

Where a student is suspended for five (5) consecutive school days or less, the parents or guardians of the student shall be provided an opportunity for an informal conference in accordance with Education Law §3214 (3)(d).

Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted as follows:

1. The Superintendent shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the Superintendent shall make a threshold determination of whether a suspension or removal in excess of 10 consecutive school days or that would otherwise constitute a disciplinary change in placement should be considered. If the threshold determination is that such a suspension or removal should be considered, before the Superintendent recommends any such removal, the Superintendent's hearing shall be adjourned until a manifestation determination is made. If the Superintendent determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
2. Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a non-disabled student. Upon receipt of notice of such determination, the Superintendent shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the Superintendent shall dismiss the hearing.
3. If the Superintendent is considering the change in placement of a student with a disability to an IAES, upon a determination that the student is guilty of misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the Superintendent may recommend such change in placement to an IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the length of time that a non-disabled student would be suspended for the same misconduct under the Code of Conduct.
4. The penalty phase of a Superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student, including the admission of anecdotal evidence of past instances of misconduct.

**G. Services During Suspensions**

During any period of suspension, a student with a disability shall be provided services to the extent required under the provisions of the Individuals with Disabilities Education Act and New York State Education Law and Regulations. During suspensions or removals for

periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law §3214(3)(e) on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to non-disabled students of the same age who have been similarly suspended.

During subsequent suspensions or removals for periods of ten (10) consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. The CSE shall determine the services to be provided to the student.

During suspensions or other disciplinary removals for periods in excess of ten (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services, as determined by the CSE, necessary to enable the student to continue to participate in the general education curriculum to progress toward meeting the goals set out in the student's IEP.

The services to be provided to a student placed in an IAES shall be determined by the CSE, and should enable the student to progress toward meeting the goals in the student's IEP.

#### **H. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted if:

- a. The District requests such a hearing to obtain an order of an impartial hearing officer placing the student in an IAES where school personnel believe that it is dangerous for the student to be in his/her current educational placement;
- b. The District requests such a hearing to obtain an order of an impartial hearing officer placing the student in an IAES during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings; or
- c. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

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

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the District and the parents within 5 business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

**I. Referral to Law Enforcement and Judicial Authorities**

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a disciplinary change in placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, in accordance with the provisions of FERPA.

Revised: March 20, 2007 (Section XI only)

**XII. DISSEMINATION AND REVIEW**

The Board will work to ensure that the community is aware of this Code of Conduct by:

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

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrators, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

**MIDDLE SCHOOLS GRADES 5-8  
BEHAVIOR EXPECTATIONS and DISCIPLINE REGULATIONS**

We all recognize that students, faculty, staff and parents must work together to ensure a safe, respectful and cooperative atmosphere in order to provide the best learning environment possible. Our basic philosophy encourages each student to become more responsible for his/her own actions and to accept the consequences resulting from those actions. The essence of effective middle school discipline is cooperation, respect and courtesy. Parents are urged to join this effort by carefully reviewing these rules for good behavior with your child(ren) and by signing and returning the attached form indicating that you have received and reviewed these rules together with your child(ren). The following are specific guidelines for grades 5-8. For a comprehensive copy of the South Colonie Code of Conduct (K-12), please visit [www.southcolonieschools.org](http://www.southcolonieschools.org) or contact the district office or your child's school building.

**SECTION I: GENERAL COMMENTS**

**A. GENERAL RULES:**

1. Students will not engage in disruptive behavior.
2. Students will show respect to staff and to one another through language and/or actions.
3. Students will come to class on time with required materials.
4. Students will refrain from selling/small franchising outside of class projects.
5. Students will refrain from chewing gum or wearing coats inside the building. Students will refrain from wearing hats during class and other instructional times.
6. Students will not be in the building before or after school hours without being supervised.
7. Students will not possess radios, individual IPOD music players, Gameboys, laser pointers, beepers, cellular phones, or similar electronic devices on school property (unless specific permission has been granted by administration and/or teacher) due to safety issues.
8. Students are expected to adhere to all South Colonie Central School Board of Education policies, as well as laws of the federal, state, and local governments.
9. Students are prohibited from possessing weapons of any kind, to include pepper spray and mace, while on school property.

**B. DISCIPLINE REGULATIONS:**

1. Student behavioral incidents are first handled by the staff member who is in direct control of the situation.
2. Follow-up action to all behavioral problems includes one or more of the following interventions:
  - a. Counsel student
  - b. Alone in room (in-class time out)
  - c. Loss of privileges (i.e., stay in at lunch time, no free time, after school detention)
  - d. Remove child to hallway (not to exceed ten minutes)
  - e. Peer mediation
  - f. Child writes note to parent explaining behavior
  - g. Consequences to fit infraction (i.e., if you write on desk, you clean the desk; if you make a mess in the cafeteria, you clean up the mess; if you tear a book, you repair or replace the book, etc.)
  - h. Individual parent conferences
  - i. Parent/teacher/administrator conference
  - j. Referral to Pupil Services Tea
  - k. Guidance/teacher/student conference
  - l. Case conference

- m. Ask student to explain behavior
  - n. Verbal warning
  - o. Permanently change seat
  - p. Class apology
  - q. Call home
  - r. Note to parent
  - s. Completion of behavior contract
  - t. Time out
3. When a teacher's efforts to resolve the behavioral problem have proven unsuccessful or a behavior contract proves to be ineffective, one or more of the following may occur:
    - a. A written behavioral referral submitted to the principal by the teacher indicating actions already taken and requesting assistance from administration, guidance, social worker, psychologist, nursing staff.
    - b. Immediate assignment to time-out.
    - c. Conference with parent to seek help and support.
    - d. Administrative intervention with consequences keyed to infractions listed in Sections 2 and 3 on the following pages.
  4. In cases where a student has a record of disruptive and inappropriate behavior, or it is deemed necessary by the administration, because of the nature of the specific infraction (1<sup>st</sup> offense), one or more of the following may occur:
    1. Extended suspension from school and all school related activities.
    2. Legal/court assistance in the form of a PINS (Person In Need of Supervision) petition.
    3. A Superintendent's hearing.
    4. Exclusion of the student from extra-curricular activities and/or school sponsored field trips and other events (i.e. assembly program, Pep Rally, Beach Party, dances, concerts, etc.). This is commonly referred to as Social Probation (30, 60, 90 days, etc.)
    5. Referral to Youth Court.

**SECTION II: LEVEL I INFRACTIONS**

**LEVEL I INFRACTIONS** refer to those infractions for which the consequences may be **EXTERNAL SUSPENSION** or **EXCLUSION FROM SCHOOL**. These infractions are in direct disregard of Board of Education policies, federal, state and municipal laws.

<b>INFRACTION</b>	<b>CONSEQUENCE</b>
Use and/or possession of controlled substance (marijuana, cocaine, LSD, etc.), alcohol, and drug related paraphernalia.	<ol style="list-style-type: none"> <li>1. Immediate suspension of 3-5 days with a phone call to parent and a confirming letter. May result in a Superintendent's hearing.</li> <li>2. Complaint filed with police immediately and confiscated material given to them for analysis.</li> <li>3. Parent conference during suspension period.</li> <li>4. Conference with counselor.</li> <li>5. Second offense will again result in immediate external suspension pending a Superintendent's hearing.</li> </ol>

INFRACTION	CONSEQUENCE
<p>Possession of firearms, weapons, or destructive devices:</p>	<ol style="list-style-type: none"> <li>1. Any student who is determined to have brought a firearm, weapon, or device on school premises or possesses a firearm, weapon or device on school premises will result in an automatic expulsion from school for not less than one year. The Superintendent of Schools, following a Superintendent's hearing, may modify such expulsion requirements on a case-by-case basis.</li> <li>2. Complaint filed with police immediately and confiscated weapon turned over to them.</li> <li>3. Parent conference during suspension period.</li> </ol> <p><b>“Firearms”</b> is defined as a weapon which will or is designed to or may be converted to expel a projectile. Firearms may include, but are not restricted to, guns, B.B. guns, pellet guns, starter pistols, slingshots, the frame or receiver of such weapons, and any firearm muffler or firearm silencer. <b>“Weapon”</b> is defined as a knife, club, bat, or any object that could be used to cause harm to another person. <b>“Destructive device”</b> means any explosive, incendiary or poison gas, bomb, grenade, or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than ¼ ounce, a mine or device similar to any of the devices described. <i>The code also includes devices which simulate the appearance of destructive or harmful devices.</i></p>
<p>Smoking and/or possession of tobacco products</p>	<ol style="list-style-type: none"> <li>1. Administrative action of suspension up to 5 days with a phone call to parents and confirming letter.               <ol style="list-style-type: none"> <li>a. Parent conference.</li> <li>b. Counseling referral.</li> </ol> </li> <li>2. Repeated offense may result in superintendent’s hearing.</li> </ol>
<p>Fighting (use of physical force), or act of violence</p>	<ol style="list-style-type: none"> <li>1. May result in immediate suspension up to 5 days. A phone call to parents and a confirming letter will follow a student/parent conference.</li> <li>2. Repeated altercations may result in a Superintendent's hearing.</li> </ol>
<p>Rumors: Defined as knowingly spreading inaccurate information that may pose a potentially unsafe situation or disorderly function of school.</p>	<ol style="list-style-type: none"> <li>1. May result in immediate suspension up to 5 days.</li> <li>2. Parent conference may be held</li> <li>3. Counseling, if deemed necessary</li> </ol>

INFRACTION	CONSEQUENCE
Vandalism or theft of property	<ol style="list-style-type: none"> <li>1. May result in immediate suspension up to 5 days with a parent phone call and a confirming letter.</li> <li>2. If appropriate, police may be notified and complaint filled out.</li> <li>3. Parent conference during suspension period.</li> <li>4. Request payment/restitution for costs resulting from damages.</li> <li>5. File vandalism/theft report with Superintendent of Buildings and Grounds.</li> <li>6. Vandalism/theft may result in a superintendent's hearing.</li> </ol>
Defiance of and/or disrespect to any staff member	<ol style="list-style-type: none"> <li>1. May result in immediate suspension.</li> <li>2. If staff intervention is ineffective, student may be referred to: <ol style="list-style-type: none"> <li>a. Counseling</li> <li>b. Peer mediation</li> <li>c. Administrative mediation</li> <li>d. Parental supervision</li> </ol> </li> <li>3. If administrative intervention does not bring resolution: <ol style="list-style-type: none"> <li>a. Disciplinary action may result in up to 5 days internal or external suspension. Phone call to parent with confirming letter sent and mandatory conference held.</li> </ol> </li> <li>4. In the instance of repeated infractions and/or physical abuse to a staff member, the student will be suspended for up to 5 days pending a Superintendent's hearing.</li> </ol>
Truancy: Defined as an illegal absence from school without the knowledge and consent of a parent or guardian.	<ol style="list-style-type: none"> <li>1. May result in suspension up to 5 days.</li> <li>2. Notify parents and discuss petition to Family Court.</li> <li>3. Counseling if it is deemed necessary.</li> <li>4. Repeated offense will result in principal's conference and/or Superintendent's hearing.</li> </ol>
Card playing and/or gambling and/or possession of gambling materials	<ol style="list-style-type: none"> <li>1. May result in suspension up to 5 days</li> <li>2. Confiscate materials.</li> <li>3. Mandatory parent conference during suspension period with confirming letter.</li> <li>4. Counseling if deemed necessary.</li> </ol>

INFRACTION	CONSEQUENCE
<p>Harassment of a verbal, written or physical nature (i.e. bullying, sexual harassment, threatening behavior, threatening language, written threats, references to violence, etc.)</p> <p>This includes written/verbal behavior and/or writing in which the student is either doing this in jest or has serious intent.</p>	<ol style="list-style-type: none"> <li>1. May result in suspension up to 5 days.</li> <li>2. Administrative conference in all cases. At the discretion of the administrator one or more of the following may occur:               <ol style="list-style-type: none"> <li>a. Student is given an educational packet and student signs off on packet.</li> <li>b. Phone call is made to parent/guardian.</li> <li>c. Counseling referral is made.</li> <li>d. Student may be suspended.</li> </ol> </li> <li>3. If appropriate, police may be notified and a complaint filed.</li> <li>4. Second offense mandates a parent, principal, and student conference with:               <ol style="list-style-type: none"> <li>a. One or more counseling sessions assigned and/or suspension</li> <li>b. Possible police notification</li> </ol> </li> <li>5. Repeated offenses may result in a Superintendent's hearing.</li> </ol>
<p>Threatening another student or employee of the district (written or verbal): Students will refrain from engaging in threatening language or behavior directed towards other students or employees or the school district. Threatening language is speech (written or verbal) that is likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, hyperbole or jest, and which would cause a reasonable listener to apprehend direct and immediate mayhem from the speaker.</p>	<ol style="list-style-type: none"> <li>1. May result in suspension up to 5 days.</li> <li>2. Possible parental conference</li> <li>3. Superintendent's hearing.</li> </ol>
<p>Inappropriate and/or indecent behavior, pranks or activities/behaviors displayed while on school property or associated school activities (includes proven gang-related activities identified as malicious activities associated with a group of students)</p>	<ol style="list-style-type: none"> <li>1. First Offense: May result in suspension up to 5 days</li> <li>2. Second Offense: 3-5 day suspension/parent conference and possible Superintendent's hearing.</li> </ol>
<p><b>Internet Use:</b> Disseminating information that is illegal, defamatory, abusive, threatening, racially offensive, designed to affect school functions or the daily activity of the school, or adult-oriented is not allowed whether or not the dissemination of the information occurs from the school terminals.</p>	<ol style="list-style-type: none"> <li>1. Principal's conference with student and parents and may result in 3-5 days external suspension.</li> <li>2. Superintendent's hearing.</li> </ol>

INFRACTION	CONSEQUENCE
<p><b>Use of Electronic Devices</b> within the building or on school grounds is not allowed <b>during school hours or during school events</b>. Electronic devices include, but are not limited to, cell phones, palm pilots, cameras (whether or not the camera accompanies a cell phone) or any other instrument that can be used to transmit images or information from one source to another. Cell phones shall not be operated within the building either for receiving or making calls <b>during school hours or during school events</b>. Text messaging is not allowed within the building or on school grounds.</p>	<ol style="list-style-type: none"> <li>1. Confiscation of the electronic device.</li> <li>2. Immediate external suspension of 3-5 days with a phone call to parent/guardian and a confirming letter.</li> <li>3. Parent conference during the suspension period.</li> <li>4. Will result in immediate superintendent’s hearing.</li> </ol>

**SECTION III: LEVEL II INFRACTIONS**

**LEVEL II INFRACTIONS** refer to infractions which interfere with the orderly school environment or impinge upon the rights of each individual student to gain an education. The consequences are weighted as the number of offenses increases. Although every effort is made to handle these infractions within the school, there may be times when a parent is called to remove the student from school.

INFRACTION	CONSEQUENCE
<p>Possession of distracting devices (i.e., IPOD music player, CD player, video games, toys, laser pointers, beepers, cellular phones or other electronic devices)</p>	<ol style="list-style-type: none"> <li>1. <u>First offense</u>: Device is confiscated for remainder of day. Parent notified.</li> <li>2. <u>Second offense</u>: Device is confiscated and returned to parent at mandatory conference. Development of behavioral contract may take place.</li> <li>3. <u>Third offense</u>: Device is confiscated pending a parent/principal conference. Parent notified.</li> <li>4. <u>Fourth offense</u>: Out-of-school suspension.</li> </ol>
<p><b>Inappropriate Language:</b> Defined as profanity, vulgarity, sexual innuendo, crude references, demeaning remarks, threats of violence, creating a class disruption, offensive to a person’s race, religion, creed.</p>	<ol style="list-style-type: none"> <li>1. <b><u>Student may be referred to:</u></b> <ol style="list-style-type: none"> <li>a. Counseling</li> <li>b. Peer mediation</li> <li>c. Administrative mediation</li> <li>d. Parental supervision</li> </ol> </li> <li>2. May warrant removal to Time Out / Parent Conference / Suspension</li> <li>3. Repeated offenses may result in administrative conference or superintendent’s hearing.</li> </ol>

INFRACTION	CONSEQUENCE
<p><b>Tardiness:</b> Defined as failure of student to report on time to homeroom/classroom or to attendance office with a valid excuse</p>	<ol style="list-style-type: none"> <li>1. <u>Three tardies</u> to a class period will result in administrative action which may include the development of a behavioral contract or assignment to time out.</li> <li>2. <u>Chronic tardiness</u> to class and/or school will result in increased administrative action which includes parental contact and discussion of petition to Family Court.</li> <li>3. Counseling if deemed necessary.</li> <li>4. Repeated offenses may result in principal's conference or Superintendent's hearing.</li> </ol>
<p><b>Cutting Classes:</b> Student's classes are scheduled in order to allow the best possible educational program in a healthy, safe, and secure environment. When a student cuts a regularly scheduled class, his/her safety cannot be assured. That student risks the probability of lower grades or failure as a result of missing valuable class work. Therefore, when a student misses a class and has no legal excuse, one or more of these may occur.</p>	<ol style="list-style-type: none"> <li>1. <u>First offense:</u> Time Out. Development of a behavioral contract. Parent conference. Student expected to make up work missed.</li> <li>2. <u>Second offense:</u> Administrative conference. Possible suspension.</li> <li>3. <u>Third offense:</u> Immediate suspension. Parent conference and counseling referral. Student expected to make up work missed.</li> <li>4. <u>Fourth offense:</u> Immediate suspension. Parent conference. File PINS with Family Court. Student expected to make up work missed.</li> </ol>
<p>Students leaving building without permission: When students leave the building without permission, their safety cannot be assured. Therefore, when students leave the building without permission, one or more of these may occur.</p>	<ol style="list-style-type: none"> <li>1. <u>First offense:</u> Mandatory parent conference. Student may be suspended.</li> <li>2. <u>Second offense:</u> Mandatory parent conference and referral to counseling. Student may be suspended.</li> <li>3. <u>Third offense:</u> Mandatory parent conference. Student may be suspended. Possible petition to Family Court (PINS).</li> <li>4. <u>Fourth offense:</u> Mandatory parent conference. Student may be referred to a Superintendent's Hearing.</li> </ol>
<p>Distracting/offensive attire (i.e., shirts, headgear with profanity, sexual innuendoes, etc.): Clothing that creates a disruption to the orderly manner and smooth operation of the school.</p>	<ol style="list-style-type: none"> <li>1. <u>First offense:</u> Reprimand, warning, counseling.             <ol style="list-style-type: none"> <li>a. Object covered or confiscated</li> <li>b. Possible time out</li> <li>c. Parent contact</li> </ol> </li> <li>2. <u>Second offense:</u> Mandatory parent conference and possible development of a behavioral contract.</li> <li>3. <u>Third offense:</u> Immediate administrative conference. Possible suspension. Counseling referral.</li> </ol>

Appropriate dress in school means neatness in grooming and cleanliness. You should dress by thinking of school as your workplace. Use common sense which demonstrates respect for and responsibility to yourself and others. Halter tops, crop tops, short shirts, short skirts, "short shorts" and tank tops are not appropriate to wear within the school building. Any undergarments showing is not appropriate for the workplace or school. Dress that is so distracting as to interfere with the learning process may be prohibited. Hats and other types of non-religious headgear are not allowed. Clothing advertising alcohol, tobacco or drug use will not be allowed. Beads, bandanas, etc. that may be used to identify an association are also prohibited. In all respects, students must comply with the dress requirements established within Section V of the Board of Education Policy 5300.

INFRACTION	CONSEQUENCE
<p>Students cannot engage in any forms of academic misconduct. Examples of this include: Plagiarism, cheating, copying, altering records, sabotage, etc.</p>	<ol style="list-style-type: none"> <li>1. In most cases, the teacher will contact the parents and the teacher’s classroom procedures about cheating and/or academic misconduct may result in any of the following: Reduction of grade, incomplete given for the assignment, zero given for the assignment, time-out, referral to guidance/social worker, contact of parents, parent conference, lunch detention, involvement of administration, suspension from school, etc.</li> <li>2. Repeated infractions may result in further disciplinary consequences.</li> </ol>

In most instances, it is preferable if the staff member in direct contact with the student handles the behavioral problem. Staff members will keep records of infractions by using some kind of log for each student. Example of log/referrals are available at each school.

In general, rules apply to all facets of school life. There is no distinction between the library, the study hall, the cafeteria, the playground, the bus, or the classroom. At all times, students are to keep in mind the rules of the school (see Section A), and adhere to them. Incidents not specifically covered in this document may be handled in a professional manner at the discretion of the school staff. A safe, orderly, healthy educational environment is the result of students, staff, administration and parents working together in a cooperative effort.

*The South Colonie Middle Schools Discipline Code is in compliance with all laws relating to students with disabilities under the Individuals with Disabilities Act (IDEA).*

**SOUTH COLONIE'S  
RULES OF ACCEPTABLE BEHAVIOR  
GRADES 5 - 8**

We have reviewed these behavior expectations and will cooperate with the faculty and staff at \_\_\_\_\_ Middle School to provide the best learning environment possible.

Student's  
Name

\_\_\_\_\_

Student's  
Signature

\_\_\_\_\_

Parent's  
Name

\_\_\_\_\_

Parent's  
Signature

\_\_\_\_\_

Date:

\_\_\_\_\_