

CODE OF CONDUCT
PLAIN LANGUAGE SUMMARY

The Safe School Against Violence in Education (SAVE) Act and Section 100.2(1) of the Regulations of the Commissioner of Education require that the District adopt a written policy on school conduct and discipline "designed to promote responsible student behavior". The following is a plain language summary of the Code of Conduct. A copy of the complete Code of Conduct document is available on the South Colonie Central School District website (<https://www.southcolonieschools.org/student-support/>) and at every school's main office. The Code of Conduct applies to all students, school personnel, parents and other visitors when on school property or attending any school function. If there is a conflict between this plain language summary and the District's Code of Conduct, the provisions of the District Code of Conduct shall always prevail.

Introduction

The District believes that order and discipline must be a shared responsibility between school, home and community. The Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board approved school personnel.

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. The parent/guardian is expected to assume primary responsibility for 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 emotional growth. To this end, a high degree of parent-school communication will be fostered by the school.

Selected Definitions

Please refer to Pages 1–3 of the Code of Conduct for a complete listing of definitions.

School Function means any school-sponsored extracurricular event or activity.

School Property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real 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.

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bi-sexuality (Education Law §11[5]).

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

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

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

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.

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 may be suspended for a minimum of one year.

Student Bill of Rights and Responsibilities

With every right comes responsibility. All students of the South Colonie Central School District have rights and will be treated fairly, but they also have a responsibility to adhere to District guidelines.

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 or, in the case of harassment or discrimination, report any such acts to school personnel authorized to impose a disciplinary penalty
3. access school rules and, when necessary, receive an explanation of those rules from authorized school personnel
4. learn in a safe and supportive school climate free from discrimination and harassment by other students and/or adults

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. refrain from engaging in acts of discrimination as defined by the Dignity for All Students Act: All students shall have the right to freedom from harassment and discrimination on the basis of race, color, gender identity and expression, religion, religious practices, national origin, sexual orientation, weight, ethnic group, or disability
4. attend school every day unless they are excused and be in class, on time and prepared to learn
5. work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
6. respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner
7. work to develop strategies to control emotions and behavior as needed
8. ask questions when they do not understand
9. seek help in solving problems that might lead to discipline
10. dress appropriately for school and school functions
11. accept responsibility for their actions

12. 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

Essential Partners

Parents, Teachers, Principals, Building Administrators, School Counselors, student support personnel, other school staff, the Superintendent and the Board of Education are all essential partners to promote a safe, orderly and disciplined school environment supporting active teaching and learning. All are expected to know school rules and to help students understand them in order to maintain a safe, orderly environment in accordance with the District Code of Conduct.

For a complete listing of the expectations, roles and responsibilities of each group identified above, please see Pages 5–7 of the District Code of Conduct.

Student Dress Code

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 (with hood up), 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/cultural 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. not include hair worn in a facial concealing fashion

For a complete overview of the student dress code, please see Pages 7–8 of the District Code of Conduct.

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 Pre-Kindergarten through Grade 4 (Pages 9-17)
- Behavior Expectations and Discipline for Grades 5 through 8 (Pages 18-29)
- Behavior Expectations and Discipline for Grades 9 through 12 (Pages 30-53)

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 believes 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.

The Dignity for All Students Act (DASA) emphasizes the creation and maintenance of a positive learning environment for all students. In connection with disciplining students who engage in discrimination and harassment, the District shall place the focus of discipline on discerning and correcting the reasons why discrimination and harassment occurred. In addition to any disciplinary consequences imposed for acts of discrimination or harassment, the following remedial measures may be implemented:

- peer support groups
- corrective instruction or other relevant learning or service experience
- supportive intervention;
- behavioral assessment or evaluation
- behavioral management plans, with benchmarks that are closely monitored
- student counseling and parent conferences

Behavior Expectations for Pre-Kindergarten through Grade 4

Following is only a partial list of expectations. For a complete listing of prohibited student conduct for Pre-Kindergarten through Grade 4, please see Pages 9–17 of the District Code of Conduct.

- General Rules – Students should have respect for the personal property of others and for school property, avoid bad language and verbal abuse, respect the rights of all students and learn in an environment that is free of all forms of intimidation, harassment, menacing and bullying.
- Threatening Behavior – Students will refrain from engaging in threatening language or behavior directed towards other students or employees of the school district.
- Classroom – Students should behave in a way that does not interfere with the learning of others and follow individual classroom rules.
- Use of Computers – Students should use computers for school related work and treat equipment with respect.
- In the Cafeteria – Students should eat with good table manners, remain seated unless given permission to leave, and clean up their table area when finished eating.

- In the Corridors – Students should not run and stay to the right while quietly walking through the hallways.
- In Assemblies – Students should listen and watch attentively to the programs presented.
- On the Playground – Students should use playground equipment properly and safely.
- On the School Bus – Students should obey the posted rules, remain seated while the bus is in motion, and listen to and follow the driver’s directions.
- Use of Electronic Devices – Electronic devices within the building or on school grounds is not allowed.

Behavior Expectations and Discipline for Grades 5 through 8

Following is only a partial list of expectations. For a complete listing of prohibited student conduct for Grades 5 through 8, please see Pages 18–29 of the District Code of Conduct.

- General Rules – Students should show respect to staff and to one another through language and/or actions, come to class on time with required materials, and should not engage in disruptive behavior.
- Level I Infractions – Use and/or possession of controlled/illegal substances, use and/or possession of tobacco/nicotine products, possession of weapons, use of physical force, rumors, vandalism, theft of property, truancy, card playing and/or gambling, defiance/disrespect/ insubordination, intimidation, harassment, discrimination, menacing, bullying, indecent and/or inappropriate behavior, threatening behavior, inappropriate use of internet, use of electronic devices during school hours/school events, and safe schools violations.
- Level II Infractions – Possession of distracting devices, inappropriate language, tardiness, unauthorized absence from class, leaving building without permission, distracting/offensive attire, academic misconduct.

Behavior Expectations and Discipline for Grades 9 through 12

Following is only a partial list of expectations. For a complete listing of prohibited student conduct for Grades 9 through 12, please see Pages 30–53 of the District Code of Conduct.

- General Rules – Students should show respect to staff and to one another through language and/or actions, come to class on time with required materials, and should not engage in disruptive behavior.
- Level I Infractions – Use and/or possession of controlled/illegal substances, use and/or possession of alcohol, use and/or possession of tobacco/nicotine products, possession of weapons, use of physical force, vandalism, theft of property, inappropriate use of internet, indecent and/or inappropriate behavior, engaging in disorderly conduct, use of electronic devices during school hours/school events, trespassing, inappropriate dress/gestures, threatening a student or school district employee, defiance/disrespect/ insubordination, safe schools violations, and violations of academic integrity.

- Level II Infractions – Truancy, card playing and/or gambling, illegal parking/vehicle violations, leaving school grounds without permission, abuse of senior privileges, late to class, failure to report to detention.
- Level III Infractions – Unexcused tardy to school, not meeting expectations for study halls.

Bullying

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school-sponsored events and/or activities whether occurring on or off campus. The range of possible intervention activities and/or sanctions for bullying is contained within the Behavior Expectations for all grade levels.

Bullying can take three (3) forms:

- **Physical**: including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings;
- **Verbal**: including, but not limited to, taunting, malicious teasing, name calling, making threats;
- **Psychological**: including, but not limited to, spreading rumors, manipulating social relationships, or engaging in social exclusion, extortion, or intimidation.

As with other forms of bullying, cyber-bullying is an attempt to display power and control over someone perceived as weaker. Cyber-bullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices, such as cell phones, digital cameras, and personal computers, to engage in bullying. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images or web site postings (including blogs).

Off Campus Conduct

Students may be suspended for conduct that occurred outside of the school which may endanger the health or safety of students within the educational system or adversely affect the education process. Where students off campus conduct "materially and substantially disrupts the work and discipline of the school" they may be disciplined.

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.

Issues related to discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function should be reported immediately to a teacher, principal, or school employee. The reporting of such incidents shall be in accordance with the Harassment of Students Policy and Regulation and Student Complaints and Grievances policies.

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 or Section 504 Committee 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.

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.

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.

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.

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.

For a complete overview of teacher disciplinary removal of disruptive students, please see Pages 55–57 of the District Code of Conduct.

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.

The categories for suspension from school are:

- Short-Term Suspension from School (5 days or less)
- Long-Term Suspension from School (more than 5 days)
- Student Who Brings a Weapon to School
- Student Who Commits Violent Acts Other Than Bringing a Weapon to School
- Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority Over the Classroom

For a complete overview of suspension from school, please see Pages 57–60 of the District Code of Conduct.

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.

The categories for discipline of students with disabilities are:

- Authorized Suspension or Removals of Students with Disabilities
- Change of Placement Determination
- Functional Behavioral Assessment and Behavioral Intervention Plan
- Manifestation Determination
- Students Presumed to Have a Disability for Discipline Purposes
- Due Process Procedures
- Services During Suspensions
- Expedited Due Process Hearings
- Referral to Law Enforcement and Judicial Authorities

For a complete overview of discipline of students with disabilities, please see Pages 60–67 of the District Code of Conduct.

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 at Open House events.
3. Posting a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year on the District website.
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.

For a complete overview of the dissemination and review of the Code of Conduct, please see Pages 67–68 of the District Code of Conduct.

The above listing is not intended to be all-inclusive. The Administration reserves the right to implement disciplinary action for incidents not specifically identified above. Students who engage in behavior determined to be inappropriate and/or disruptive to the school environment will be subject to disciplinary consequences.

Cross-Reference: Policy 5300, Code of Conduct
Policy 4527, Cyber-Bullying

Public Hearing: August 7, 2018

Adopted: August 21, 2018