



**Niskayuna Central  
School District**

**Middle School  
Code of Conduct  
with appendix**

Revised July 13, 2009

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# I. Introduction

The Board of Education is committed to providing a safe and orderly school environment. Responsible behavior by students, teachers, district personnel, parents and other visitors is essential to achieving this goal.

This code has been revised to comply with the requirements of Project SAVE, the Safe Schools Against Violence in Education Act. (Chapter 181, Laws of 2000.) This act gives teachers the right to remove “violent” or “disruptive” students from their classroom, subject to review by the principal. The act also raises the consequences of an assault on a teacher or student on school grounds from a Class A misdemeanor to a Class D felony.

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

# II. Definitions

For the purpose of this code, the following definitions apply:

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

Parent(s) is defined as the adult (e.g. parent, guardian) who is legally responsible for the student(s) in question.

“School function” means any school-sponsored co-curricular event or activity on or off campus.

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

“Violent student” means an elementary or secondary student under the age of 21 who: commits an act of violence against any school employee; commits an act of violence on school property against any student or other person lawfully on school property; possesses, on school property, a gun, knife, incendiary bomb, or other dangerous instrument capable of causing

physical injury or death; threatens, on school property, to use any instrument that appears capable of causing physical injury or death; knowingly and intentionally damages or destroys the personal property of any person lawfully on school property; or knowingly or intentionally damages or destroys district property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the federal Gun-Free Schools Act. “Weapon” is also defined in New York State law as any other device, instrument, material or substance that can cause physical injury or death.

### **III. Student Rights and Responsibilities**

Students have a right to a free, appropriate education with equal opportunities regardless of race, color, gender, national origin, ethnic group, religion, disability or sexual orientation.

Students have the responsibility to attend school regularly to be considerate of others and to observe the middle school Code of Conduct.

School authorities shall inform parents about any recorded disciplinary measures. As provided in the federal Family Educational Rights and Privacy Act (also known as the Buckley amendment), parents have the right to review and challenge such records.

Students have the right to be informed of charges against them. Unless the well-being of the student or others may be jeopardized, in all disciplinary matters, students shall have an opportunity to present their version of the facts and circumstances before discipline is imposed.

Students may expect privacy from other students regarding their lockers, desk, or other storage areas: however, under law, school authorities may search these areas where sufficient cause exists. Searches shall be conducted by an administrator in the presence of another district employee. Searches can be conducted of vehicles parked on school property. In all cases the student and parent shall be informed as to the reason for the search.

See Appendix E for details.

## **IV. Freedom from Harassment and Discrimination**

A primary goal of the school district is to provide an environment in which the worth and dignity of all persons is valued, accepted and respected. To this end, the Board of Education has adopted a policy prohibiting harassment and discrimination in the school district. A copy of this policy is included in Appendix A. Any student, parent, employee, or school district officer, who believes that harassment or discrimination has occurred, should report the alleged misconduct immediately so that corrective action may be taken. Students or parents should report the alleged misconduct to the building principal or the Title VII/Title IX Officer (Administrator for Human Resources) at 377-4666. Parents shall be notified of their right to attend any meeting with their child to review a complaint.

## **V. Student Safety: Prevention of School Violence and Bullying**

The school district encourages students and parents to report threats or incidents of school violence or bullying to school personnel. The school district provides a variety of prevention and intervention programs addressing the safety of students and school personnel, which are described in the district's annual calendar and on the district Web site.

# VI. Expected Roles Regarding School Conduct

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

1. Ensure their students attend school regularly and on time
2. Know school rules and help their students understand them

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

1. Maintain a climate of mutual respect and dignity
2. Know school rules and enforce them in a fair and consistent manner
3. Communicate regularly with student and parents concerning progress and achievement

## **C. School Counselors**

1. Meet regularly with students to review their educational progress and career plans
2. Assist students with transition from elementary to middle to high school

## **D. Principals**

1. Provide a safe and orderly school environment
2. Enforce the Code of Conduct in a fair and consistent manner
3. Report crimes to the police

## **E. Superintendent**

1. Provide effective leadership for the school district
2. Develop staff leadership capabilities
3. Maintain timely district communications
4. Enforce board policies and regulations in a fair and consistent manner

## **F. Board of Education**

1. Monitor the operations and achievements of the district
2. Provide appropriate resources
3. Review board policies regularly and the Code of Conduct at least annually

# VII. Dress Code

The building principal, or his or her designee, shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year. The dress code will be developed in collaboration with teachers, administrators, other school service professionals, students and parents to ensure that it reflects current community standards on proper decorum and deportment.

All students are expected to give proper attention to personal appearance and to dress appropriately for the school day, as well as school-sponsored activities. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and 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 and appearance shall:

- A. Be safe, appropriate and not disrupt or interfere with the educational process.
- B. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), low-rider pants, extremely short skirts or shorts, and see-through garments are not appropriate.
- C. Ensure that undergarments are completely covered with outer clothing.
- D. Include footwear at all times. Footwear that is a safety hazard will not be permitted.
- E. 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.
- F. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, violent or gang activities.

Students who violate the 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 individual who refuses to do so shall be subject to discipline or removal from school grounds.

Visitors are expected to abide by the school dress code; those who do not may be asked to leave the premises.

## **VIII. Student Conduct and Discipline**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the community, and for the care of school facilities and equipment.

### **A. Academic Integrity**

As part of a school community, students and faculty have the duty and responsibility to promote academic integrity. This means that students are responsible for completing their own work. The purpose of assignments is to develop the skills and measure the progress of each student. Students learn more and attain a feeling of accomplishment through their own hard work and initiatives.

One aspect of academic integrity that is very important throughout a person's lifetime is acknowledging sources. Learning how to acknowledge sources begins in elementary school, but is taught and refined over time through the middle school years to prepare students for high school and college. Among other things, this includes using quotation marks and footnotes and citing sources where appropriate.

Students should follow these rules of academic integrity:

1. Do your own work.
2. Don't let others use or copy: classwork, homework, quizzes and tests. Others should not get credit for work that you have done.
3. If you are helping someone, do not do the work for him or her.
4. If you are working in a group, follow the teacher's directions on sharing work.
5. Be truthful.
6. If you are uncertain about the directions, ask the teacher for clarification.

Students who fail to follow these rules will face disciplinary consequences.

## **B. Attendance**

Students are expected to attend class daily as required by state law. Such attendance creates an environment that fosters subject competency, continuity of learning, and responsibility, which are all integral to the educational process. Active student participation is an integral part of the middle school curriculum. Students are required to attend classes every school day unless excused for a valid reason. Acceptable reasons are (As per district attendance policy):

1. Personal illness or injury
2. Death or emergency illness in the immediate family
3. Obligatory religious observance
4. Required court appearance
5. Medical and dental appointments
6. School sponsored events
7. College visits and interviews
8. Career development or explorations programs approved by the principal
9. Driver's road test (not permit tests)
10. Late arriving bus
11. Impassable roads or weather making travel unsafe
12. Music lessons
13. Others as authorized by the principal

Although days missed for the above reasons are considered excused absences, students must realize that their school work can suffer if they are out of class too often. Students are responsible for keeping informed of makeup work for time missed in class, whether the absence is excused or unexcused. See Appendix D for details.

## **C. Illness During the School Day**

For health and safety reasons a student who becomes ill or who is injured during the school day, must report to the school nurse. If, in the opinion of the nurse, the student is too ill to continue to school, the nurse will contact the parent or other designated adult to make appropriate arrangements for the student to get home.

In the event that the nurse is not able to make contact with the parent or designated adult, the student shall be offered the opportunity to remain in the nurse's office. If the student would prefer to return to class, it will be the nurse who makes a nursing assessment that determines whether the student is able to return to classes. The Main Office will be notified so that the student will not be charged with unauthorized absences

## **D. Additional Attendance Procedures/Return from Absences**

1. Students must attend all classes.
2. Students should notify a teacher if they will be out of the class for any reason (early dismissal, nurse's office, counseling office, main office, music lessons).
3. Students will remain in school all day unless granted early release at parental or legal guardian request.
4. Students who are tardy to school will report to the attendance office to check in, and must present an excuse signed by the parent or legal guardian.
5. Students who are tardy to class will report to the class and explain to the teacher why they are tardy. Tardiness to class is excused for:
  - a. Personal illness or injury as verified by school nurse
  - b. Late buses
  - c. Counseling appointments
  - d. Nurse's office
  - e. Main office visit
  - f. Others as deemed necessary by the principal

When reporting to class students will have a pass verifying the reason for their tardiness. If warranted, the teacher will assume responsibility for discipline.

## **E. Early Dismissal, Tardiness and Unexcused Absence from Class**

### **1. Early Dismissal**

The student is required to bring a written statement clearly defining the reason for any early dismissal. This note will be given to the homeroom teacher, preferably the day before the appointment. The parent or legal guardian is required to come to the main office and meet the student there when dismissed early. The parent or legal guardian is responsible for signing the child out at that time.

NO STUDENT IS TO LEAVE THE BUILDING WITHOUT PERMISSION FROM AN AUTHORIZED SCHOOL PERSON.

## 2. Tardiness

Tardiness - A student may be considered tardy when the student arrives after 9:05 AM. Tardiness may be excused for the following reasons:

- (a) death or emergency illness in the immediate family
- (b) impassable roads or weather making travel unsafe
- (c) late buses
- (d) medical and dental appointments
- (e) music lessons
- (f) obligatory religious observance
- (g) personal illness or injury
- (h) required court appearance
- (i) school sponsored events
- (j) others as authorized by the principal

If a student arrives late to school, the first thing the student must do is sign in at the Main Office. When a student is late for an excusable reason, as indicated above, it is the parent's responsibility to notify the school in writing or by telephone on the morning of the lateness.

## 3. Truancy

Student absence without the knowledge and consent of the parent is considered truancy. When this is discovered the parent will be contacted immediately. The student will be required to make up the illegal absence through detentions or attendance in school during normal school vacation times. A schedule of make up days will be developed by the principal and agreed to by the parents.

## **F. General Conduct**

Acceptable school conduct is based on respect for self, fellow students, faculty, staff and school property. Specifically:

1. Directions or requests of teachers, support personnel, secretaries, custodians and bus drivers are to be complied with promptly and courteously.

2. Students are asked to conduct themselves in an orderly fashion at all times. Thus running, "horseplay" and loud or boisterous conduct are considered to be unacceptable behaviors in school and on school buses.

3. Physical displays of affection are inappropriate in school.

4. Cafeterias are expected to be pleasant environments for eating or studying. Food may not be taken from the cafeteria. No eating or drinking is allowed in the hallways. Glass bottles are not allowed in the buildings or on school property.

Failure to observe these rules of conduct may lead to after-school detention or other disciplinary actions. Student access to the cafeteria, library, computer rooms, or other areas of the school may be restricted for a period of time due to inappropriate behavior in such areas by the student.

Beepers, cellular telephones, and any other electronic devices are prohibited. If used or visible during the regular school day, they will be confiscated and returned only to a parent.

## **G. Classroom Behavior**

Students are expected to arrive at class on time, with necessary materials and to be cooperative and respectful during all schedules periods. If a student fails to meet these expectations, the teacher may contact the student's parent. Should this not remedy the situation, the teacher should refer the matter to the principal for counseling or after school detention.

## **H. Passing in Hallways**

In order to maintain an environment that is conducive to learning, students shall adhere to the following:

(1) Students are to travel from one location to another quietly and quickly.

(2) Students are not to wander or congregate in the hallways.

(3) Students who arrive late must sign in at the Main Office.

## **I. Removal from Class by Teacher**

Teachers are expected to use traditional classroom management techniques to maintain order in the classroom. These techniques include (1) sending the student to the hallway briefly; (2) sending the student to an administrator's office for a brief "time out" or for the remainder of the class time only; or (3) sending a student to a school counselor or other district staff member for counseling. Time-honored techniques such as these do not constitute disciplinary removal for the purpose of this code.

Under the Project SAVE law, a teacher may remove a violent or disruptive student from class when the student's conduct poses a danger or is substantially disruptive or substantially interferes with the teacher's

authority over the classroom. Such disruption 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 such a student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If a teacher determines that a student presents a danger or an ongoing threat of disruption to the academic process, a teacher may remove a student from class immediately. By the end of the school day, the teacher must explain why the student was removed and the student will be provided an opportunity to present his/her version of the events.

Within 24 hours of the removal, the principal or designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must 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. Where possible, notice should also be provided by telephone if a phone number for notification has been provided by the parent.

If the student denies the charges, the principal or designee shall provide an explanation of the basis for the removal and shall allow the student or parent an opportunity to explain the pupil's version of relevant events. The informal conference shall be held within 48 hours of the student's removal unless a later time is agreed to by the student or parent. The principal may require the teacher who ordered the removal to attend the informal conference if held during normal working hours.

The principal or designee shall not set aside the discipline imposed by the teacher unless a determination is made that the charges are not supported by substantial evidence, or that the removal is a violation of law, or that the student's conduct warrants a suspension which will be imposed. This determination must be made by the close of business on the day succeeding the 48 hour period for the informal conference (or such later informal conference date as may have been agreed to by the student or parent). No student removed from class by a teacher will be permitted to return to that class until this determination is made 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 for all cases of removal of students from his/her class. The principal must keep a log of all such removals.

Removal of a student with a disability, under certain circumstances, may constitute a change of placement. Accordingly, no teacher may remove such a student until he/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.

## **J. Disciplinary Actions**

Order and discipline characterize effective schools. Following directions and respecting self and others are characteristics of students in these schools. Assisting students to achieve self-control is an important charge of the teachers. Dealing with certain behaviors is the responsibility of the administration. The administration, faculty and staff must work together to establish a learning environment that fosters academic success. The following consequences are used to alter inappropriate student behavior.

1. Teacher Consultation
2. Administrative Warning
3. Parental or Legal Guardian Notification/Conferencing
4. Detention
5. Designated Work Project
6. Suspension of Privileges:
  - Transportation
  - Cafeteria
7. In-school suspension
8. Short Term Educational Program (S.T.E.P.) Alternative to Out-of-School Suspension
9. Out-of-school suspension
10. Referral to Family Court (PINS Petition as a Person in Need of Supervision)

Counseling by a school counselor or psychologist, although not considered a penalty, may be provided as an alternative or corequisite to a penalty, if agreed upon by the school counselor, administrator and parent/guardian. Regardless of the disciplinary action taken, an essential component is communication to the stakeholders involved. This will

include the student and the parent or legal guardian, and may involve the teachers, the guidance personnel, other staff, or the superintendent.

## **K. Specific Consequences for Unacceptable Behavior**

### **1. Teacher Consultation**

The teacher will devise strategies for enforcing team and classroom rules. These will be supported by the administrator to assist in the development of self-control by the student.

### **2. Warning**

A teacher or administrative warning is used for minor infractions of the rules. Among examples of this are littering, running in the hall or disruptive behavior in hallway.

### **3. Parental Conferencing**

Conferencing may be used in conjunction with other consequences, or may be a consequence in itself. It exceeds the warning level and is used for infractions such as chronic disregard for school rules, involvement in verbal disturbances, using inappropriate language and demonstrating disrespect to peers or adults.

### **4. Detention**

Detention will be assigned after school from 3:30-4:15 p.m. Examples of infractions which might result in detention include a classroom disruption, skipping class, and defiance of authority. Detentions may be assigned for one or more time periods. Failure to report to detention will result in additional detentions or other disciplinary action.

### **5. Designated Work Projects**

Because of the nature of the behavior, a student may be assigned a designated work project. Behaviors that would warrant a designated work project would include acts of chronic misbehavior, vandalism, theft, and actions that indicate malicious behavior. A designated work project requires cooperation by the parent or legal guardian and student, and agreement of what the project should be between the administration and the family. These work projects are determined by the administration and occur during the student's free time. Students will be working with the custodial, library, or administrative staffs. For example, a student may be involved with tutoring, assisting a teacher or working in the main office. School work projects may result from behaviors which are directed against the school,

such as defacing or destruction of school property, and failure to return borrowed books.

#### 6. Suspension of Privileges

Transportation: Students who violate bus safety or rules may have their bus privileges suspended for a specified period of time depending on the severity of the offense. A parent or legal guardian will be notified of the transportation suspension.

Cafeteria: Students who violate cafeteria rules after other consequences have occurred may lose their privilege to eat in the cafeteria for a specified period of time. A parent or guardian will be notified of the cafeteria suspension.

#### 7. In-School Suspensions

Certain behaviors that are chronic or constitute major infractions such as theft, vandalism, fighting, cutting class, and conduct detrimental to the educational process may result in in-school suspension. In-school suspension occurs for half to one full day. During this time the student does not attend classes, but work is made available and the student is under the supervision of the administrative staff. A parent or legal guardian will be notified of the in-school suspension.

#### 8. Short Term Educational Program (STEP)

Students who would otherwise be suspended out-of-school may be given the opportunity to receive an alternate educational program in the district in a room supervised by a certified teacher, teacher assistant and school social worker. The STEP environment will insure that loss of instructional time will be minimized so that each student can work productively and complete all assigned schoolwork. This option is granted at the discretion of the principal.

#### 9. Suspension

As used in this section, suspension means out-of-school suspension. A student may be suspended for the following reasons:

- a. conduct detrimental to the educational process
- b. endangering the safety of others (e.g. laser pointers)
- c. fighting or other violent conduct
- d. insubordinate conduct
- e. possession, use, display or handling of a weapon or other hazardous instrument
- f. possession or use of alcoholic beverages, illegal drugs or paraphernalia (including rolling papers)

- g. theft
- h. trespassing
- i. smoking, use or possession of tobacco products or accessories
- j. vandalism
- k. sexual harassment

l. a physical or mental condition that endangers the health, safety or morals of that student or others

m. other insubordination or disorderly conduct that, in the judgment of the principal or superintendent, endangers the health, safety or morals of that student or others

- n. unauthorized access to academic or administrative records

Under the federal Gun-Free School Act of 1994, a student found guilty of bringing a firearm onto school property will be subject to at least a one-year suspension from school. The terms "weapon or other hazardous instrument" used above include any firearm, pellet gun, BB gun, starter pistol, whether operable or inoperable, loaded or unloaded, knife, simulated weapon, dangerous chemical, noxious substance, explosive or any other object listed in district Policy 5312.2 which could be used as a weapon.

Suspended students may not attend classes or activities or enter upon any school property for the duration of the suspension. Suspended students may not attend any off-campus activities involving teams or organizations under the auspices of the school district (athletic contests, musical performances and the like) from the time the suspension is assessed until the suspension period has been completed.

When a suspension is assessed at the conclusion of a school week, the weekend immediately following is considered part of the suspension period. Students who violate this restriction shall be charged with trespassing. When the suspension is over, a parent is expected to accompany the student to school for re-admission.

Students suspended from instruction shall be afforded their due process rights pursuant to sections 3214 and 310 of the Education Law and section 100.2 of the Commissioner's Regulations. Students suspended from instruction for five days or less shall be given notice of the charged misconduct and may request an explanation of the basis for the suspension. The pupil or the pupil's parent may request an informal conference at which the pupil or parent may present the pupil's version of the event and ask questions of complaining witnesses. This notice and the opportunity for an informal conference shall take place prior to the suspension unless the

pupil's presence poses a continuing danger or threat of disruption to the academic process.

No student may be suspended for more than five days, however, unless the student and his/her parent have had the opportunity for a fair hearing upon reasonable notice. At that hearing the student and his/her parent have the right of representation by counsel, with the right to question witnesses against such student, and to present witnesses and other evidence on their behalf.

Students and their parents may have decisions involving suspensions and other disciplinary matters successively considered by the Superintendent of Schools, the Board of Education, and the Commissioner of Education. Appeals from the principal's decision on suspension and other discipline must follow this progression of review, and such appeals cannot be made directly to the Commissioner of Education.

When a student of compulsory education age is suspended, the district must take immediate steps to provide alternate instruction for the student. Students who are suspended from school shall not have their absences during the suspension counted against them in the attendance regulation, unless they have been offered alternate instruction and have failed to attend such instruction.

## **L. Other Disciplinary Measures**

(1) Alternatives to Suspension - Some students, through the consent of their parent, may be given the opportunity to perform community service in lieu of a suspension. Such community service would be coordinated and managed through a partnership between the high school and Law, Order and Justice or Youth Court. Students and a parent may be granted this option at the discretion of the high school administration.

(2) Exclusionary Actions - Students whose behavior is such that they endanger the safety, health, or welfare of themselves or others shall be referred to the Superintendent of Schools. The superintendent shall hold an exclusionary hearing to determine what consequences the student must face. The superintendent is also empowered to consider involuntary transfers in an exclusionary hearing.

(3) Students with Disabilities - Students with disabilities must be disciplined under the legal requirements of the Individuals with Disabilities Education Act (IDEA). A suspension of more than ten days or a series of short-term suspensions, meeting certain criteria, would require the

Committee on Special Education to meet and to make a determination whether the student's conduct is a manifestation of the student's disability. Further, the committee may also need to meet to determine whether the current placement of the student is appropriate. A parent may review questions concerning this legal requirement by contacting the chairperson of the committee. When a student with a disability poses an immediate threat to the student's safety or the safety of others, the district may seek a court order to enjoin the student from attending school. (See Appendix E for details.)

(4) Referral to Police or Other Agencies - A student may be referred to the police or another appropriate agency for serious breaches of the law, which may result in imprisonment or the imposition of civil penalties.

Such breaches may include, but are not limited to:

(a) use or possession of illegal drugs or paraphernalia

(b) use or possession of alcohol

(c) use or possession of weapons (in violation of Policy 5312.2 and the Federal Gun-Free Schools Act)

(d) vandalism

(e) theft of property or possession of stolen property

(f) creating a disturbance or safety hazard (e.g.; turning in false alarms, bomb threats, possession or discharge of fireworks or a noxious substance)

(g) trespassing (e.g.; entering school property while under suspension or before or after reasonable school hours)

(h) Unauthorized access to academic or administrative records

(5) Drug and alcohol abuse - The possession of drugs, drug paraphernalia or alcohol or the consumption of drugs or alcohol during school hours or at any interscholastic or co-curricular event or other school-sponsored activity is strictly prohibited. No student may come to school or a co-curricular event or other school sponsored activity, on or off campus, after the student has consumed alcohol or drugs or when in possession of drugs, drug paraphernalia or alcohol. The penalties for such conduct may include not only suspension, but following suspension, exclusion from any and all co-curricular interscholastic or other school-sponsored activity. Details are given in Appendix F.

(6) Reimbursement for Damaged or Stolen Property - Students who damage or destroy school property or their parent shall reimburse the district for the cost of repairing or replacing the affected school property.

Students who have stolen property shall reimburse the person from whom the item(s) were stolen.

## **M. Other Laws**

(1) State Law Prohibiting Bomb Threats — It is illegal for anyone to issue a false bomb threat directed toward a school in New York State. As of December 1, 1999, the consequences for this crime have been increased from a Class A misdemeanor to a Class E felony (Chapter 561, Laws of 1999). Persons arrested for making bomb threats face felony prosecution, youthful offender or juvenile delinquency adjudication, as well as a one-year suspension of one's driver's license. Related laws permit municipalities, fire districts and other emergency service providers to seek restitution for costs associated with their response to a bomb threat on school grounds. The amount may be up to \$10,000 in restitution to be paid by anyone convicted of reporting a false incident or bomb, up to \$5,000 to be paid by the parent of a child who makes a false report.

# **IX. Visitors**

Parents and other district residents are encouraged to visit the schools under the following conditions:

A. All visitors must report to the Main Office upon arrival, sign the visitor's register and obtain a visitor's badge, which must be worn throughout the visit and returned upon departure.

B. Visitors attending school functions that are open to the public, such as PTO meetings, concerts, or public gatherings, are not required to register.

C. Parents or residents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) so that class disruption is kept to a minimum.

D. Teachers are expected to not take class time to discuss individual matters with visitors.

E. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

F. All visitors are expected to abide by the rules for Public Conduct on School Property contained in this Code of Conduct.

## **X. Public Conduct on School Property**

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

### **A. Prohibited conduct**

No person singly or in concert with others, shall:

1. willfully cause or threaten physical injury to any other person who is behaving lawfully
2. physically restrain, detain or remove such a person
3. willfully damage or destroy school property nor use or remove such property without permission
4. without permission, enter any private school office
5. without authorization, remain in any school building after it is normally closed
6. refuse to leave any school building upon the request of a staff member
7. obstruct the free movement of persons or vehicles on school property
8. disrupt classes or deliberately interfere with any person's freedom of speech
9. possess any firearm or weapon on school property unless so authorized by the superintendent
10. willfully incite others to commit any prohibited action

### **B. Penalties and Procedures**

Any one who violates these rules shall be subject to the following penalties:

1. If neither student or staff, the person shall be subject to ejection
2. If a student, the person shall be subject to ejection

3. If a faculty member, the person shall be subject to ejection, warning, reprimand, suspension and other disciplinary actions given in the Education Law

4. If a staff member in the classified service, the person shall be subject to ejection and the disciplinary actions given in §75 of the Civil Service Law

5. Other staff members shall be subject to ejection, censure, suspension without pay and dismissal

6. A person who refuses to leave school property when requested to do so may be subject to arrest.

## **XI. Dissemination and Review**

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

(a) providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year;

(b) making copies of the code available to all parents at the beginning of the school year;

(c) mailing 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;

(d) 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;

(e) providing all new employees with a copy of the current Code of Conduct when they are first hired;

(f) 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, administrator, 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.

Appendices:

Appendix A. Prohibition of Harassment and Discrimination Policy

Appendix B. Discipline of Students with Disabilities

Appendix C. Public Conduct on School Property

Appendix D. Summary of Attendance Policy 5100

Appendix E. Bill of Student Rights and Responsibilities

Appendix F. Drug and Alcohol Abuse Regulations

Appendix G. Smoking and Tobacco Use Regulations

Adopted June 18, 2001

Revised July 13, 2009

# APPENDIX A.

## PROHIBITION OF HARASSMENT AND DISCRIMINATION POLICY

### I. PROHIBITION OF HARASSMENT AND DISCRIMINATION

A primary goal of the Niskayuna Central School District is to provide a school community in which the worth and dignity of all persons is valued, accepted, and respected. Therefore, it is the intent of the district to provide a school environment free of harassment and harmful discrimination. Accordingly, this policy declares that such harassment and discrimination are unacceptable and will not be tolerated.

Harassment includes, but is not limited to, offensive epithets or slurs, derogatory jokes, or graffiti, and other offensive verbal or non-verbal conduct related to a race, color, gender, national origin, ethnic group, religion, disability or sexual orientation when:

A. Submission to such conduct is made (either explicitly or implicitly) a term or condition of employment or of participation in an academic or other school-related activity, or

B. Such conduct has the purpose or effect of substantially interfering with an individual's work, academic performance, or school-related activity, or of creating an intimidating, hostile, or offensive environment.

Discrimination occurs when persons are treated differently based on race, color, gender, national origin, ethnic group, religion, disability or sexual orientation and such treatment interferes with or limits the person's ability to benefit from or participate in the services, activities or privileges provided by the school district.

District personnel shall discourage, as well as respond to, harassing and discriminating behavior. Any person who experiences or observes such behavior should report it immediately to a faculty member or an administrator. Such reports must be brought to the attention of the school principal or the Title VII/Title IX Officer (Administrator for Human Resources).

The Superintendent of Schools shall implement regulations for reporting and investigating allegations of harassment and discrimination and intimidating behavior and imposing appropriate discipline. This policy and its implementing regulations shall be incorporated into school codes of

conduct, and appropriate curriculum and staff training programs. These efforts shall emphasize the importance of civility and promote respect for all individuals. They should also address the harmful effects of offensive, intimidating and exclusionary actions, not only when related to characteristics identified above in this policy but also when related to ability, appearance, or group association.

The Board of Education seeks the support of students, staff, and parents in achieving the goals of this policy. (NCSD Policy 0140 - Prohibition of Harassment and Discrimination.)

## **APPENDIX B. DISCIPLINE OF STUDENTS WITH DISABILITIES**

I. The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. 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.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

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

A "suspension" means a suspension pursuant to Education Law §3214 .

A "removal" means a 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.

An "IAES" means a temporary educational placement 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 Education 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 or her current educational placement as follows:

a. The Board, the district (BOCES) superintendent of schools or a building 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 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 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 in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930 (g) (w) 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 [for] a pocket knife with a blade of less than 2 1/2 inches in length.”

2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3) “Illegal drugs” means 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.

3. Subject to specified conditions required by both federal and state law and regulations, 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 or her current educational placement poses a risk of harm to the student or others.

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

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

a. for more than 10 consecutive school days; or

b. for a period of 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 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 suspensions or removals to one another.

2. 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 suspension or removal.

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 weapons, illegal drugs or controlled substances.

## **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The district's Committee on Special Education shall:

a. Conduct Functional Behavioral Assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parent of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1) conducted an individual evaluation and determined that the student is not a student with a disability, or

2) determined that an evaluation was not necessary and provided notice to the parent of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be

bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this code, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, or 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.

b. 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.

1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding 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 parent and the district agree otherwise.

2) 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.

2. 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 parent within five 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.

## **E. 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 change of the student's 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.

# **APPENDIX C. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers, and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of

this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

## **A. Prohibited Conduct on School Property**

These rules govern the conduct of students, faculty and other staff, licenses, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property, under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, other co-curricular program and activities.

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

1. willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do so;
2. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain;
3. willfully damage or destroy property of the school or under its jurisdiction, nor remove or use such property without authorization;
4. without permission, express or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
5. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
6. without authorization, remain in any building or facility after it is normally closed;
7. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
8. obstruct the free movement of persons and vehicles in any place to which these rules apply;
9. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;

10. have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess or carry the same has been issued to such person;

11. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; and/or

## **B. Penalties and Procedures**

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

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.

2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.

3. If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by the Education Law, §3214 or school Code of Conduct, and he/she shall be subject to ejection.

4. If a faculty member, he/she shall be subject to ejection, warning, reprimand, suspension or other disciplinary action as prescribed by and in accordance with procedures of the Education Law.

5. If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, he/she shall be guilty of misconduct, and be subject to the penalties and procedures prescribed in said section and be subject to ejection.

6. If a staff member other than one described in subdivision 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

## **C. Enforcement Program**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the superintendent or his/her designee, does not

pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.

4. The superintendent or his/her designee may apply to the public authorities for any aid which he/she may request the Board of Education's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

## **APPENDIX D. SUMMARY OF ATTENDANCE POLICY 5100**

### **I. SUMMARY OF ATTENDANCE POLICY**

All students are entitled to a sound basic education that will enable them to enjoy life and become effective citizens. This goal can best be achieved within the public schools by regular class participation. The objective of this policy is to encourage student commitment to, staff awareness of and parental support for regular class attendance.

#### **A. Strategies**

The basic strategy of this policy is to recognize the relationship between participation in class activities and the mastery of course material. Students are expected to come to class prepared to discuss assigned material.

Failure to attend class thwarts this objective and requires compensating or corrective actions. Such actions should be based on valid data. Consequently, class attendance shall be recorded in accordance with state

requirements and shall be reported to parents\* at the end of each marking period or more frequently if so required by the school code of conduct.

## **B. Excused Absences**

Tardiness or absence for the following reasons is excused: personal illness or injury, death or emergency illness in the immediate family, obligatory religious observance, required court appearance, medical and dental appointments, school sponsored events, college visits and interviews, career development or explorations programs approved by the principal, driver's road test (not permit tests), late arriving bus, impassable roads or weather making travel unsafe, music lessons, or others as authorized by the principal. Tardiness or absence for any other reasons is unexcused. Students with an excused absence shall be given an opportunity to make up missed work.

## **C. Relationship between Attendance and Course Credit**

In order to obtain the minimum passing grade for a course, students must demonstrate sufficient comprehension of the course material to justify promotion to a subsequent course of study. To obtain a higher grade, students must demonstrate by examination, class participation and the completion of assigned work that they have sufficient mastery of course material to satisfy established departmental standards. Unexcused absences may also affect a student's grade and course credit.

## **D. Incentives, Sanctions and Notice**

Each school is encouraged to recognize the impact of good attendance on student learning and to develop incentives that provide individual motivation to students and families. Students with unexcused absences shall be subject to the sanctions provided by school codes of conduct. Parents shall be notified by phone or by letter whenever their child is absent, tardy or departs early without a proper excuse.

## **E. Intervention Strategies**

Additional actions shall be taken for students with severe attendance problems. These include referral to a student support or child study team, the provision of counseling service, and referral to a judge for court supervision (PINS petition.)

\*The term “parent” includes guardians and others in an established parental relation with the student.

# **APPENDIX E. BILL OF STUDENT RIGHTS AND RESPONSIBILITIES POLICY 5311**

Students who are learning to become members of a democratic society must understand both the rights to which they are entitled in such a society and the attendant responsibilities, which they must assume in order to perpetuate such a society for themselves and others.

## **Student Rights**

**Education:** All persons between the ages of 6 and 21 residing in the state of New York are entitled to a free education without discrimination, endangerment, harassment, intimidation, or fear.

**Association:** Students have the right to participate in recognized student organizations. Such organizations may not restrict membership on the basis of religion, sex, national origin, race, marital status or disability.

**Discipline:** Students have the right to have rules governing their behavior clearly stated and explained to them upon enrollment at the beginning of each subsequent school year. They have the right to know what the consequences of misconduct will be. Unless the well being of the student or others may be jeopardized, in all disciplinary matters, students shall have the opportunity to present their version of the facts and circumstances before discipline is imposed.

**Privacy and Confidentiality:** Student records other than “directory information” (name, address, telephone number) are privileged and confidential. A parent or legal guardian is entitled to inspect and challenge a student’s cumulative record. These rights are transferred to the student upon attainment of age 18.

Freedom of Expression: Students have the right to express themselves on the basis of the nature of their beliefs. Such expression is prohibited only if it substantially interferes with school activities or the rights of others.

Search and Seizure: Students are guaranteed freedom from unreasonable search and seizure. Personal searches are allowed only when school authorities have reasonable suspicion that hidden items are illegal or in violation of school rules.

Due Process: Students suspended from instruction shall be afforded their due process rights pursuant to Sections 3214 and 310 of the Education Law and 100.2 of the Commissioner's Regulations. Students suspended from instruction five days or less shall have the right to request an informal conference with the principal and student and/or persons in a parental relationship shall be authorized to ask questions of the complaining witness. Disciplinary actions need not be delayed pending this informal conference or subsequent appeals. No students may be suspended for more than five days however, unless the students and their parents have had the opportunity for a fair hearing, upon reasonable notice, at which the students shall have the right of representation by counsel, with the right to question witnesses against such students and to present witnesses and other evidence on their behalf.

Students and their parents may have decisions involving suspensions and other disciplinary matters successively considered by the Superintendent of Schools, the Board of Education and the Commissioner of Education. Appeals from a principal's decision on suspensions and other discipline must follow this progression of review, and such appeals cannot be directly made to the Commissioner of Education.

School authorities shall inform parents about any recorded disciplinary measures. As provided by the Federal Family Educational Rights and Privacy Act (20 USC Section 1232g), parents and adult students have the right to review and to challenge such records.

The term "parents" includes guardians and others serving in an established parental relation to the student.

## **Student Responsibilities**

The rights of students carry with them the responsibilities on which the rights are based.

Education: Students have the responsibility to develop their talents by pursuing the educational opportunities provided for them.

Association: Students have the responsibility to honor their agreements with others.

Discipline: Students have the responsibility to know and follow the rules and regulations of the school, to seek explanation if they do not understand them, and to try to bring about change if they feel the rules are unreasonable.

Privacy and Confidentiality: Students have the responsibility to respect the rights of privacy and confidentiality of others.

Freedom of Expression: Students have the responsibility to express themselves in a way that respects the rights and feelings of others and does not interfere with school activities.

Respect for Property: Students have the responsibility not to look through or use the property of others without the owner's permission.

Due Process: Students have the responsibility to respect the due process rights of others.

## **APPENDIX F. DRUG AND ALCOHOL ABUSE REGULATIONS**

### **I. DRUG/ALCOHOL**

The possession of drugs, drug paraphernalia or alcohol or the consumption of drugs or alcohol during school hours or at any interscholastic and extra-curricular events or other school-sponsored activity is strictly prohibited. This policy also prohibits a student from coming to school or an extra-curricular and interscholastic event or other school sponsored activities, on or off campus, after the student has consumed alcohol or drugs or is in possession of drugs, drug paraphernalia, or alcohol.

### **First Offense**

A student who violates this policy for the first time may be suspended from school for a period of five (5) days. When the suspension period is over, the student may not be readmitted to school unless accompanied by a parent. Athletes who are on alternate credit for physical education shall have this privilege revoked immediately; "Athletic Handbook" sanctions

shall also be in effect. When indicated, the student shall be referred to the Niskayuna Police, the Superintendent, or both. When the student returns to school, the student will be assigned to a Study Hall for all unscheduled periods for five (5) weeks. The student shall not be permitted to attend any interscholastic, extra-curricular, or school sponsored activity for the duration of the five (5) week period. The student will not be allowed on school property during the period of his/her suspension or he/she will be considered trespassing. If he/she does trespass, he/she may be arrested. Also, in an effort to be constructive, the student must be a willing and active participant in at least three (3) counseling sessions with the school psychologist, student assistance counselor, or guidance counselor. Or, the student may seek counseling from a private counseling source. This process must have begun in order for the student to be eligible to practice or rehearse with a team or activity. Although the student will not be allowed to attend or participate in games, plays, events, etc., the student will be permitted to practice, try out, or rehearse providing the students meets with the school psychologist, student assistance counselor, or guidance counselor at the designated times. Should the student fail to participate in such a counseling program, the student shall be removed from the team or activity for the remainder of the school year. The student's eligibility to return the following school year to active participation will be contingent upon completion of a counseling program.

Student athletes, who participate in any school-sponsored sport, shall be referred to the Director of Athletics, who will apply the sanctions as outlined in the Athletic Handbook.

## **Second Offense**

In case of a second drug or alcohol offense during the student's high school career, the student may be suspended from school for a period of five (5) days. When the suspension period is over, the parent is expected to accompany the student to school for admission. When the student returns to school, the student shall be assigned to a Study Hall for all unscheduled periods for the duration of the student's high school career. In addition, the student shall re-enter a counseling program (in-school or private). The student shall not be permitted to participate in or attend any co-curricular interscholastic, or other school-sponsored activity for one (1) calendar year from the date of the second violation. The student shall also be prohibited from practicing or rehearsing during the calendar year period.

## **Third Offense and Subsequent Offenses**

If a student is suspended for a third drug or alcohol offense, the student will be referred to the Superintendent of Schools for an exclusionary hearing to determine if the student's behavior poses a threat to the safety and well being of that student or others. If, in the judgment of the Superintendent, the student is not to be excluded, the following sanctions shall be imposed:

The student may be suspended from school for a period of five (5) days. When the suspension period is over, the student may not be readmitted to school unless accompanied by a parent. When the student returns to school, the student shall be assigned to a Study Hall for the duration of the student's high school career. The student shall also be strongly urged to seek more intense rehabilitative care; alternate placement may also be considered. In addition, the student shall not be permitted to participate in, practice, rehearse or attend any extra-curricular, interscholastic, or other school-sponsored activity for the duration of the student's high school career.

# **APPENDIX G. SMOKING AND TOBACCO USE PENALTIES**

## **I. SMOKING/USE OF TOBACCO PRODUCTS**

In accordance with New York State law, the Board of Education recognizes the health hazards associated with smoking and the use of other tobacco products and, therefore, prohibits the use or possession of tobacco products or accessories by students in school buildings, on school property and vehicles owned or operated by the district or at school sponsored activities.

### **First Offense**

A student on school property who is caught smoking a first time may be suspended out-of-school for a period of two (2) days or placed in the STEP program. A student who is determined to be in the possession of tobacco products or accessories may be assigned two (2) extended detentions.

## **Second Offense**

A student on school property who is caught smoking a second time may be suspended out-of-school for a period of four (4) days or placed in the STEP program. A student who is determined to be in the possession of tobacco products or accessories, for a second time, may be assigned six (6) extended detentions.

## **Third Offense**

A student on school property who is caught smoking a third time may be suspended out-of-school for a period of four (4) days or placed in the STEP program. A student who is determined to be in the possession of tobacco products or accessories, for a third time, may be placed in the alternative instructional STEP program for three (3) days.

## **Fourth and Each Subsequent Offense**

A student on school property who is caught smoking a fourth time and each subsequent time may be suspended out-of-school for a period of four (4) days or placed in the STEP program. A student who is determined to be in the possession of tobacco products or accessories, for the fourth time, may be placed in the alternative instructional STEP program for five (5) days.

# **APPENDIX K. BUILDING COMPUTER UTILIZATION**

The Board of Education considers computers and computer-related technology to be valuable tools for education and encourages their use throughout the district.

The Board encourages computer use as an integral part of the curriculum where age and developmentally appropriate. This includes the use of computer programs, access to the Internet, and communications with teachers and other students.

Student and staff use of school computers and related technology should support the district's educational program. The Internet and other electronic research materials are available to students and staff solely for the support of our students' educational program and professional

development. Computer use — including Internet access — is a privilege, not a right.

Computer utilization throughout the district shall be in accordance with Board of Education Policy #4526 and in accordance with the regulations defined by board policy, as well as local, state, and federal laws.

Student and staff use of school computers is for school-related use only. Foreign or home software shall not be used on school computers until it has been scanned for viruses and approved for use by a supervising adult. Use of language on the school network must be consistent with current community standards for public discourse in a school environment. All materials over the Internet should be assumed to be copyrighted for citation purposes.

Any and all e-mail that is sent or received through the district's network shall be deemed to be not confidential and is subject to random review. Any messages that are related to or in support of inappropriate or illegal activities shall be reported to supervisors, the district office, or legal authorities. The use of district e-mail is limited to that which supports the district's educational mission and official school business.

**For more information about the Middle School Code of Conduct, contact:**

Iroquois Middle School Principal Victoria Palmer-Wyld, 377-2233

Van Antwerp Middle School Principal Luke Rakoczy, 370-1243

Title VII/Title IX Officer (Administrator for Human Resources)

377-4666.



