

## OPENING DOORS.



## EMBRACING INNOVATION.



## CREATING OPPORTUNITIES.



# Code of Conduct 2017-2018

Center for Instruction,  
Technology & Innovation



# Our Vision

*Equity and excellence for the betterment of our entire community.*

# Our Mission

*We will be the leaders in bringing our community unique and effective educational solutions and services.*



Center for Instruction,  
Technology & Innovation

*Your education destination*

The Center for Instruction, Technology & Innovation does not discriminate on the basis of an individual's race, color, creed, religion, religious practice, national origin, ethnic group, sex (including sexual harassment and sexual violence), gender, gender identity, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality), political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, arrest or conviction record, genetic information or any other basis prohibited by New York state and/or federal non-discrimination laws in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Employees, students, applicants or other members of the CiTi community (including but not limited to vendors, visitors, and guests) may not be subjected to discrimination, including harassment, that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

# CENTER FOR INSTRUCTION, TECHNOLOGY AND INNOVATION CODE OF CONDUCT

## I. Introduction

The Center for Instruction, Technology and Innovation (CiTi) Board of Education is committed to providing a safe and orderly school environment where students may receive, and CiTi personnel may deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, other CiTi personnel, parents and visitors is essential to achieving this goal.

The CiTi has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, Citizenship, character, tolerance, honesty and integrity.

The Center for Instruction, Technology and Innovation (CiTi) Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

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

In accordance with the Dignity for All Students Act, school district policy and practice must ensure that no student is subject to bullying, discrimination or harassment, based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex or any other legally protected status by school employees or students on school property, on a school bus, or at a school function.

**A list of useful definitions can be found at the end of this document**

## II. Students’ Rights/Responsibilities

The Center for Instruction, Technology and Innovation (CiTi) is committed to safeguarding the rights given to all students under State and Federal law. The right to a free public school education extends to all students. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Education in a free society demands that students be aware of their rights and learn to exercise safe, responsible and respectful manners.

<b>Students have a right to:</b>	<b>Students have a responsibility to:</b>
<ul style="list-style-type: none"> <li>• be informed of all school rules</li> <li>• an explanation of school rules</li> </ul>	<ul style="list-style-type: none"> <li>• follow all school rules</li> <li>• understand that school rules apply to all school activities including when on school transportation; on a field trip; riding in a school vehicle etc.</li> </ul>
<ul style="list-style-type: none"> <li>• be provided with an education that is intellectually challenging and relevant to demands of the 21st century</li> </ul>	<ul style="list-style-type: none"> <li>• take advantage of the education that is offered by putting forth genuine effort, completing all assignments and attending school, prepared to learn on a regular and punctual basis</li> </ul>
<ul style="list-style-type: none"> <li>• to take part in all school activities on an equal basis and to be protected from bullying, intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender/gender identity, sexual orientation, disability or any other legally protected status</li> </ul>	<ul style="list-style-type: none"> <li>• contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all and respect the rights of others</li> <li>• accept responsibility for their actions</li> <li>• report negative behavior which may negatively affect the school climate to school personnel</li> <li>• demonstrate appropriate conduct as established by the student Code of Conduct and any rules established and disseminated by a written announcement specifically for participation in extra and/or co-curricular activities</li> </ul>
<ul style="list-style-type: none"> <li>• have complaints about school-related matter or school-employees responded to</li> </ul>	<ul style="list-style-type: none"> <li>• present complaints that are valid and based on accurate knowledge of a situation</li> <li>• present their version of the relevant events</li> <li>• seek help in responding to issues before they escalate</li> </ul>
<ul style="list-style-type: none"> <li>• be guided by a Code of Conduct which is fairly and consistently implemented</li> </ul>	<ul style="list-style-type: none"> <li>• participate in student government and on committees and make suggestion regarding the Code</li> <li>• become familiar with the Code and to seek interpretation of parts not understood</li> </ul>
<ul style="list-style-type: none"> <li>• express themselves</li> </ul>	<ul style="list-style-type: none"> <li>• express themselves in a prudent manner and understand that freedom of speech can be limited</li> <li>• show due respect for others and their property and contribute to an orderly, learner-centered environment</li> <li>• dress in accordance with standards adopted by the Board of Education and the Superintendent.</li> </ul>
<ul style="list-style-type: none"> <li>• Attend school in an alcohol, drug and tobacco-free environment</li> </ul>	<ul style="list-style-type: none"> <li>• refrain from possession of any items prohibited in the Code of Conduct or items that do not belong to you</li> </ul>

## **Student Transportation**

Some students are eligible for bus transportation to and from school. All students riding school buses or DOT-approved vehicles to and from school or to and from school-related activities, are expected to maintain good conduct while traveling, regardless of the district of origin for transportation. It is not uncommon for CiTi students to be transported in vehicles which do not originate from the student's home district. In order that the ride to and from school or school-related activity may be safe, the following rules must be observed:

1. Obey all of the driver's lawful directions without question.
2. Remain seated until the bus driver gives permission for you to leave.
3. Be helpful and courteous at all times.
4. Keep all noise at a low level.
5. Keep hands, feet and possessions to yourself.
6. Avoid physical contact; report problems to the driver.
7. Avoid verbal attacks on other students.

## **III. Essential Partners**

**All Center for Instruction, Technology and Innovation (CiTi) employees, regardless of location or assignment will:**

1. Set the stage for life-long learning.
2. Lead by example, by conducting themselves in a professional, respectful and courteous manner.
3. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
4. Demonstrate interest in and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
7. Be a positive role model for students through the use of respectful language that is free of obscenities and demonstrate respect for law and order.
8. Reinforce positive student behavior.
9. Seek appropriate resources to effect positive change in student behavior.
10. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
12. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to an employee's attention to the building administrator and/or Dignity for All Students Act Coordinator (DAC) in a timely manner.
13. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex or any other legally protected status, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

14. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

**No Center for Instruction, Technology and Innovation (CiTi) Employee shall:**

1. Intentionally damage or destroy CiTi property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, including but not limited to graffiti or arson.
2. Disrupt the orderly conduct of classes, school programs or other school activities.
3. Intimidate, bully, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability or any other legally protected status.
4. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
5. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school.
6. Gamble on school property or at school functions.

**All parents are expected to:**

1. Recognize that the education of their student is a joint responsibility of the parents/guardians and the school community.
2. Send their student to school ready to participate and learn.
3. Ensure their student attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their student be dressed and groomed in a manner consistent with the student dress Code.
6. Help their student understand that, in society, appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their student understand them.
8. Convey to their student a supportive attitude toward education and the school.
9. Build good relationships within the school community.
10. Help their student deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

**III. Dress Code**

The employees and students of Center for Instruction, Technology and Innovation (CiTi) shall be appropriately groomed and dressed while on school property and attending school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district employees should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. Visitors are also expected to be appropriately

attired while on district property and at CiTi functions. Each administrator shall inform all students and their parents of the school dress Code at the beginning of the school year, and of any revisions to the dress Code made during the school year. The appropriateness of an individual's dress will depend, to some degree, on the circumstances and setting. However, the following general rules shall normally apply in all circumstances:

1. Dress, grooming and appearance, shall be safe and appropriate (as related to the educational program) and may not disrupt or interfere with the educational process.
2. Revealing garments such as, but not limited to: short shorts, short skirts, tube tops, net tops, halter tops, garments with plunging necklines (front or back), that reveal the midriff, or are see through are not appropriate attire for the school environment.
3. Underwear shall be completely covered with outer clothing.
4. Appropriate footwear shall be worn at all times. (Footwear that is a safety hazard will not be allowed).
5. Items of apparel (including hats) that are vulgar, obscene, libelous, or denigrate others on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, disability or any other legally protected status are prohibited.
6. No item of apparel may promote and/or endorse the use of alcohol, tobacco, illegal drugs or encourage other illegal or violent activities.

## V. Prohibited Student Conduct

The Center for Instruction, Technology and Innovation (CiTi) expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, CiTi personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences for their misbehavior. CiTi personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

The Center for Instruction, Technology and Innovation (CiTi) recognizes the need to make its expectations for student conduct specific and clear, whether on school property or engaged in any school function. The rules of conduct listed below are intended to safeguard 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 the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is **disorderly**. Examples of disorderly conduct include but are not limited to:
  1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive, or public display of affection.
  4. Engaging in any willful act, which disrupts the normal operation of the school community.
  5. Trespassing. All visitors must sign in. Non-enrolled students are not permitted on school property without an appointment. Visitors will be directed to their destination after signing in and their appointment is confirmed.

CiTi is not responsible for lost or stolen electronic devices

6. Students who are suspended from school are not allowed on school property (or at school sponsored functions).
7. Misuse of computer/electronic/phone communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; accessing confidential student/staff information; or any other violation of CITI acceptable use policies.
8. Obstructing vehicular or pedestrian traffic or being transported to or from school in violation of CiTi vehicle safety policy #6250 (See Appendix).
9. Students are prohibited using in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal devices, to record, intimidate, bully, harass or threaten others. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

- B. Engage in conduct that is **insubordinate or disruptive**. Examples of insubordinate or disruptive conduct include, but are not limited to:
1. Being disrespectful or failing to comply with the reasonable requests of teachers, school administrators, or other CiTi personnel.
  2. Being in inappropriate areas, or leaving class or school without permission.
  3. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other CiTi personnel, or any visitor lawfully on school property, including graffiti or arson.
  4. Intentionally damaging or destroying CiTi property or grounds.
  5. Intentionally posting dishonest, damaging and/or profane statements or photos to an internet site or social media resulting in emotional harm or disruption of academics.
  6. Intentionally being dishonest/lying in relation to academic or discipline related issues.
- C. Engage in conduct, which is **violent**. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, biting, spitting, kicking, punching, scratching, throwing objects, pulling hair) upon a student, teacher, administrator, other CiTi personnel, or visitor or attempting to do so.
  2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Threatening to use any object to cause bodily harm.
  5. Engaging in harassing 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 well-being.
- D. Engage in any conduct that **endangers the safety, morals, health or welfare of others**. Examples of such conduct include, but are not limited to:



1. Bomb threat, be it implied, written or verbal, or communicated electronically or in person.
2. False fire alarm, misuse of 911, or the discharge of a fire extinguisher.
3. Using vulgar or abusive language or profanity.
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability or any other legally protected status as a basis for treating another in a negative manner on school property or at a school function.
6. Harassment or bullying may involve a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful. Bullying may take form as:
  - a. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belonging(s);
  - b. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and/or
  - c. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, intimidation).
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Selling, using or possessing obscene material.
9. Possessing (including matches or lighters), smoking or using tobacco products; E-Cigarettes of any kind on any part of school property while attending school-related activities, as well as in any DOT approved vehicles used to transport students or CiTi personnel.
10. Using, possessing, selling or distributing alcohol or other illegal substances, or using or possessing drug paraphernalia, on school grounds or at school-sponsored events, participating in home-tutoring or itinerant services, or in any DOT approved vehicles used to transport students or CiTi personnel, except drugs as prescribed by a physician.
11. Use of possession of vapor liquid supplies including but not limited to e-liquids.
13. Engage in any form of academic misconduct. Examples of academic misconduct include: plagiarism, cheating, copying, altering records or assisting another student in any of the aforementioned actions.
14. Engage in any form of gambling.

**NYSED DASA Site**  
<http://www.p12.nysed.gov/dignityact/>

## VI. Reporting Violations

All persons are expected to promptly report violations of the Code of conduct to a teacher, school counselor, the building principal or designee. Any person observing an individual 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 CiTi staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manne CiTi personnel 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 program administrator or designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime as soon as practical, but in no event later than the close of business the day the principal or his/her designee learns of the violation. The notification may be made by telephone.

### **Reporting Discrimination, Harassment and Bullying**

The School Principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The district will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a school employee otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and investigated in accordance with the terms of the district policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the district determines that a district official, employee, volunteer, vendor, visitor and/or student has violated the district's Code of conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

As a general rule, responses to acts of harassment, bullying and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-

appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student’s behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact of the student’s behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the principal is the alleged offender, the report will be directed to the Superintendent of schools.

All complaints of alleged harassing, discriminatory, bullying and/or retaliatory conduct shall be:

- a. promptly investigated in accordance with the terms of district policy
- b. forwarded to the school building’s Dignity for All Students Act Coordinator (DASA Coordinator) for monitoring; and
- c. treated as confidential and private to the extent possible within legal constraints.

The principal must notify promptly the Superintendent of schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

Prevention is the cornerstone of the district’s effort to address bullying, discrimination and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, and any other legally protected status.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- a. professional development for all staff members;
- b. the complaint process; and
- c. management of the Dignity Act’s civility curriculum components.



The district’s designated DASA Coordinators are:

<u>Name</u>	<u>Location</u>	<u>E-mail</u>	<u>Phone</u>
Roseann Bayne	District Office	<a href="mailto:rbayne@CiTiboces.org">rbayne@CiTiboces.org</a>	963-4297
Robyn Proud	SUNY Oswego	<a href="mailto:rproud@CiTiboces.org">rproud@CiTiboces.org</a>	312-4855
Scott Henry	CiTl Campus	<a href="mailto:shenry@CiTiboces.org">shenry@CiTiboces.org</a>	963-4251
Colleen Martin	CiTl Campus	<a href="mailto:cmartin@CiTiboces.org">cmartin@CiTiboces.org</a>	963-4340
Erin Simmons	CiTl Campus	<a href="mailto:esimmons@CiTiboces.org">esimmons@CiTiboces.org</a>	963-4279
Penny Morley	CiTl Campus	<a href="mailto:pmorley@CiTiboces.org">pmorley@CiTiboces.org</a>	963-4279

**VIII. Disciplinary Consequences, Procedures and Referrals**

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


Disciplinary action, when necessary, will be firm, fair and consistent, so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances, which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances (ie. an Individual Educational Plan, 504 Accommodation Plan or Behavior Intervention Plan).

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability.

Personnel should actively employ intervention strategies. Counseling, although not considered a penalty, may be provided as a voluntary alternative to a penalty. Similarly, referral to another agency may be an approach taken.

Students who are found to have violated the district's Code of conduct may be subject to the following consequences, either alone or in combination:

1. Verbal warning/reprimand.
  2. Phone call to parent/guardian at home/work.
  3. Written notification.
  4. Conferences.
  5. Intake/PINS referral to Probation.
  6. Detention- administrative/designee.
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7. Suspension from social or extracurricular activities.
  8. Suspension of other privileges.
  9. Exclusion from a particular class.
  10. In-school suspension
  11. Out-of-school suspension.
  12. Reimbursement.
  13. CiTi community services.
  14. Writing project.
  15. Greater or lesser penalties can be imposed on a case-by-case basis.
  16. If a criminal offense has been committed, law enforcement will be notified.
  17. Superintendent's Hearing.
  18. Contact home school with disciplinary recommendations.
  19. Teacher's removal of a student from the classroom.

## Procedures

### Teacher disciplinary removal of disruptive students:

**Definition:** A disruptive student is defined as any student who is substantially interfering with the educational process, the teacher’s ability to teach, or other students’ ability to learn.

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to the principal’s office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from the **disrupted class** for up to two instructional days under the following conditions. Failure to comply with reasonable directions of the teacher, after appropriate warnings, and the student:

- a. Continually makes unreasonable noise.
- b. Argues excessively with the teacher.
- c. Uses language or gestures that are profane, lewd, vulgar or abusive.
- d. Harasses other students.
- e. Poses a danger to self or others or commits acts of violence.
- f. Throws objects that endanger the safety of others.

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

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

The teacher must complete a district-established disciplinary removal form and meet with the principal or their designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form.

If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student’s removal, the program administrator or coordinator, or another district administrator designated by the program administrator or coordinator, must notify the student’s parent(s) in writing, that the student has been removed from class and why. The notice must also inform the parent that he

or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The notice must be provided by phone, personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal. If notice is provided by telephone, a follow-up written notification will follow. The principal may require the teacher who ordered the removal to attend the informal conference.

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

The program administrator or coordinator may overturn the removal of the student from class if the principal finds any one of the following:

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

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from their class. The program administrator or coordinator must keep a log of all removals of students from class.

### **Minimum Suspensions:**

A student will be suspended for a minimum of three (3) school days if they::

1. Are repeatedly and/or substantially disruptive. This is defined as being removed from a classroom by a teacher(s) more than four (4) times during a semester or three (3) times during a trimester.
2. Commit acts that would qualify the student as a "violent pupil" under the law.



## **VII. Alternative Instruction**

### **Alternative Instruction**

When a teacher removes a student of any age from class, or a student of compulsory attendance age is suspended from school pursuant to Education law S3214, the CiTi will take immediate steps to provide alternative means of instruction for the student.

## VIII. Discipline of Students with Disabilities

### Overview of the Disciplinary Process For Students with Disabilities in New York State

If a student violates the school Code of conduct and is being considered for a suspension or removal, school personnel must see to it that the following due process protections are provided to the student and to the student's parent(s)/guardian(s):

1. For suspension of **five school days or less**, the student's parent(s)/guardian(s) must receive a written notice (section 3214 notice), and a follow-up telephone call if possible, within 24 hours of the incident leading to the suspension, which describes the basis for the suspension and explains that the parent/guardian has the right to request an informal conference with the principal prior to the proposed suspension to discuss the incident and question any complaining witnesses against the student. The conference may take place after the suspension is initiated if the student's presence in school poses a continuing danger to persons or property, or is an ongoing threat of disruption to the academic process, in which case the conference shall take place as soon after the suspension as is reasonably practical.
2. For suspensions in **excess of five consecutive school days**, the student's parent(s)/guardian(s) must be provided with a written notice which indicates that the CiTi proposes to suspend the student from school in excess of five consecutive school days, describes the basis for the proposed suspension, explains that the student has an opportunity for a fair hearing conducted by either the superintendent or hearing officer designated by the superintendent at which the student will have the right to question any witnesses accusing him/her of committing the misconduct charged, and to present witnesses on his/her own behalf. Where possible, notification must also be provided by telephone. For any student of compulsory school age, the school must provide alternative education to the student during the suspension.

In addition to the above, which apply to all students in New York State, there are additional procedures and protections that apply to students with disabilities, including:

1. The provision of a free, appropriate public education (FAPE) to students who are suspended or removed for disciplinary reasons for more than ten school days in a school year.
2. The responsibility of schools to address behaviors that result in suspensions or removals for more than ten days in a school year (functional behavioral assessment (FBA) and behavioral intervention plans (BIP)).
3. The determination of the relationship between the behavior and the student's disability when a suspension or removal would result in a disciplinary change of placement (manifestation determination).
4. Providing the parent/guardian of the student with a copy of the procedural safeguards notice (special education rights) whenever a disciplinary action will result in a disciplinary change in placement.
5. An expedited process (expedited due process hearings) to resolve disagreements between parents and schools regarding certain disciplinary actions.
6. Protections for students who are not classified when a parent asserts that the school had knowledge, prior to the behavior that resulted in the disciplinary action, that the student was a student with a disability ("student presumed to have a disability for discipline purposes").

7. Expedited evaluations of students suspected of having a disability during the time the student is suspended.

School officials have authority to suspend or remove students with disabilities. School officials have increased authority to suspend or remove students with disabilities to interim alternative education settings for up to 45 calendar days for offenses relating to illegal drugs, controlled substances, or weapons. In instances when school personnel maintain that it is dangerous for a student to remain in his/her current educational placement, school officials can request an expedited due process hearing, or move the student to an interim setting. School officials can remove a student with a disability from his or her current placement when necessary, even though the student had previously been removed earlier in that school year, as long as the removal does not constitute a “disciplinary change in placement.”

The procedures relating to the discipline of students with disabilities require school personnel with authority who suspend or remove students to work closely with Committees on Special Education, establishing clear guidelines for communication and decision making on disciplinary matters.

### Overview Steps In the Disciplinary Process

Procedural Safeguards for Students with Disabilities subject to Discipline

<http://www.p12.nysed.gov/specialed/lawsregs/part201.html>

1. Follow §3214 procedures as you would for any student.
  - a. Send written notice to parent/guardian
  - b. Make telephone call to parent/guardian, if possible
  - c. Upon request, conduct an informational conference
  - d. Send a section 3214 hearing notice to the student’s parent/guardian
  - e. Conduct a Superintendent’s Hearing
  - f. Sends notice of the hearing results to the student’s parent/guardian
2. Student’s home district arranges for instruction, as appropriate, to be provided to the student
  - a. If the student is of compulsory school age, arrange immediately for alternative instruction.
  - b. If the student is a student with a disability or a student presumed to have a disability and the disciplinary action will result in a suspension/removal for more than ten school days in a school year, provide FAPE based upon the recommendation of the student’s special education teacher and principal if the suspension does not create a change in placement or the CSE if the suspension is a change of placement.
3. Determine if the suspension/removal will constitute a disciplinary change of placement. If yes:
  - a. Send CSE meeting notice to the parent(s)/guardian(s) with a copy of the procedural safeguards notice.
  - b. Convene a CSE meeting to address the student’s behavior, as required. c. Convene a CSE meeting to conduct a manifestation determination:
    1. If the behavior is related to the student’s disability, unless the parent(s)/guardian(s) and the district otherwise reach an agreement, immediately return the student to his/her current education placement (except for suspensions to an Interim Alternative Educational Setting (AES) for drugs/controlled substances or weapons, **OR** removals to an AES by an impartial hearing officer for dangerousness).
    2. If behavior is not related to the student’s disability, the student may be suspended or removed for the behavior.



- d. If the student is suspended or removed, provide educational services to meet the FAPE requirement.
  - e. Send prior notice of the CSE recommendations to the parent(s)/guardian(s).
4. Removal for behavior involving weapons, illegal drugs, or controlled substances.
- a. Conduct a Superintendent's Hearing.
  - b. Send a CSE meeting notice with a copy of the procedural safeguards notice to the parent(s)/guardian(s).
  - c. Convene a CSE meeting to determine an AES and services to address the behavior and meet the FAPE requirement.
  - d. At the discretion of the school superintendent, remove the student to an AES for up to forty-five calendar days.
  - e. Provide education services to meet the FAPE requirement in the setting determined by building administrator and CSE chairperson.
  - f. Convene a CSE meeting(s) to conduct a manifestation determination and investigate the connection between the behavior and the disability.
  - g. Send prior notice of the CSE recommendations to the parent(s)/guardian(s).
5. If continuing the student in the current educational placement is substantially likely to result in injury to the student or to others:
- a. Convene a CSE meeting to determine manifestation. If the conduct is a manifestation of the disability, review and modify IEP as appropriate.
  - b. Send prior notice of the CSE recommendations to the parent(s)/guardian(s).
  - c. If parent objects to the new IEP, or does not otherwise consent to an alternate placement, request an expedited impartial hearing to request the student be placed in an Interim Alternative Educational Setting (AES) for forty-five calendar days or initiate a court proceeding to change the placement. Send a meeting notice to the student's parent(s)/guardian(s) with a procedural safeguards notice.
    - 1. Provide substantial evidence that maintaining the placement of the student is likely to result in injury to the student or to others.
    - 2. Provide a recommendation for the AES setting to the impartial hearing officer (IHO).
    - 3. If the student is removed to the AES, provide education services to meet the FAPE in the setting determined by the IHO or court.
6. Parent(s)/guardian(s) disagree with the manifestation determination or any decision regarding a disciplinary placement including a decision to place the student in an AES and requests a due process hearing.
- a. Send procedural safeguards notice to the parent(s)/guardian(s).
  - b. Provide the parent(s)/guardian(s) with the form to request a due process hearing or mediation.
  - c. Arrange for an expedited due process hearing.
  - d. Ensure pendency (current educational placement or the AES).
7. CSE receives a referral for initial evaluation of a student during the time a student is suspended or removed for disciplinary reasons (other than students presumed to have a disability for discipline purposes).

- a. Conduct an expedited evaluation of the student.
  - b. Student may continue to be suspended or removed for disciplinary purposes.
8. Circumstances under which, and procedures by which, complaints in criminal court, juvenile delinquency and PINS petitions will be filed and/or referrals to the appropriate agencies will be made. (NOTE: This section applies to all students, not just students with disabilities.)

## **PINS Petitions**

**New York Youthful Offender Laws:**

[http://www.ehow.com/list\\_6795514\\_new-state-youthful-offender-laws.html](http://www.ehow.com/list_6795514_new-state-youthful-offender-laws.html)

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school, notwithstanding implementation of the student's behavior intervention plan.
3. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition and referral to the appropriate law enforcement agency.

## **Juvenile Delinquents and Juvenile Offenders**

The superintendent is required to refer the following students to the County District Attorney for juvenile delinquency proceeding before Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

## **XI. Corporal Punishment**

The use of reasonable physical force by a CiTi staff member is permitted only after a person has refused an order to cease such behavior and only when it is necessary to:

1. Protect oneself from physical injury;
2. Protect another student, staff member or other person from physical injury;
3. Protect the property of the school or of others; or
4. Restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve such purposes.

Corporal punishment shall not be used as a means of discipline against a student by any teacher, administrator, officer, employee or agent of the CiTi.

## **IX. Student Searches and Interrogation**

School authorities will provide discipline and security as agents of the state. School authorities will conduct a search of a student's person, as well as of their possessions, where sufficient cause for such a search exists. School authorities will search when there is reasonable suspicion that contraband is possessed and/or has been concealed. The Board further authorizes the utilization of trained canine to search school property from time to time as determined by the District Superintendent to search for illicit drugs and/or explosives.

Factors to be considered in determining whether reasonable suspicion exists to search a student include: (i) the student's age; (ii) the student's history and record in school; (iii) the prevalence and seriousness of the problem to which the search is directed; (iv) the urgency necessitating the immediate search; and (v) the probative value and reliability of information used as justification for the search.

Students have no reasonable expectation of privacy with respect to school lockers, desks, or other school storage spaces over which the school authorities retain control. Students may use these areas for the limited purpose of temporarily keeping items needed to participate in school instruction and activities.

School authorities have the right to question students regarding any violations of school rules and/or illegal activity. The questioning of student(s) by school authorities does not preclude subsequent questioning/interrogations by law enforcement authorities as otherwise permitted by law. Likewise, the questioning of students by school officials does not negate the right/responsibility of school authorities to contact appropriate law enforcement agencies, as necessary, with regard to such statements given by students to school authorities. School authorities acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials, are not required to provide the "Miranda warnings" against self-incrimination prior to the questioning of students.

The Center for Instruction, Technology and Innovation (CiTi) school authorities shall work in a cooperative effort with appropriate law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school property or during school-sponsored events, or to maintain the educational environment.

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a criminal offense committed on school property or during a school-sponsored activity.

## **X. Visitors to the School**

We encourage parents, community members, component school district personnel and representatives of business and industry to be involved in the educational process. School is a place of work and learning, therefore certain limits must be set for such visits.

1. Visitors will be defined as anyone in the school building(s) or on the premise(s) who do not possess official Center for Instruction, Technology and Innovation (CiTi) credentials (i.e. badge).
2. All visitors to the school must report to the main office upon arrival, sign in and receive a visitor's identification badge. This badge must be worn at all times while in the school or on the school premises. The visitors must return the identification badge to the main office and sign out before leaving.

3. Parents or Citizens who wish to observe a class while school is in session are required to arrange such visits in advance with the classroom teacher(s) and administration so that class disruption is kept to a minimum.
4. Those who visit a shop area for service are expected to leave the shop area(s) as soon as their business is completed. There must be no interference with regular schoolwork and prolonged visits are discouraged.
5. No class time shall be taken to discuss individual matters with visitors by teachers.
6. Any unauthorized person(s) on school property will be reported to the security office, program administrator or coordinator or his or her designee. Unauthorized person(s) will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XI. 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.

### **Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, bully, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability or any other legally protected status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of, or engage in any physically aggressive act against any person in any place to which this Code applies.
8. Engage in any sexual conduct or indecent behavior.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.

10. Possess, consume, sell, distribute or exchange alcoholic beverages, illegal substances, controlled substances, or be under the influence of the foregoing on school property or at a school function.
11. Possess, use or threaten to use weapons (or facsimiles thereof) in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions. Games of chance will be allowed consistent with New York State Law Article 9-A, General Municipal Law.
14. Refuse to comply with any reasonable order from any identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Use tobacco products, smoking devices or electronic (e-cigarettes) of any kind in or on school property or while attending a school function.
17. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function

## **XII. - Penalties/Enforcement**

### **Penalties**

Persons who violate this Code shall be subject to the following penalties:

1. Visitor(s). Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and or arrest.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements, as stated in this Code of Conduct.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a, or any other legal rights that they may have.
4. District Employees in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. District Employees other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **Enforcement**

The program administrator and/or coordinator or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or his or her designee becomes aware of an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement

authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the penalties section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code.

### **XIII. Dissemination and Review**

#### **Dissemination of Code of Conduct**

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

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

### **XIV. Dignity for All Students Act Policy**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of bullying, discrimination or harassment, including but not limited to taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The CiTi condemns and prohibits all forms of bullying, discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status by school employees or students on school property and at school-sponsored activities and events that take place at locations on school property. In addition, any act of bullying, discrimination or harassment outside of school sponsored events, which creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct, might reach school property may be subject to discipline.

#### **Dignity for All Students Act Coordinator**

At least one (1) employee at every school shall be designated as the Dignity for All Students Act Coordinator (s). The Dignity for All Students Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity for All Students Act

Coordinator(s) and share the name(s) and contact information with all school personnel, students and parents/persons in parental relation.

If a Dignity for All Students Act Coordinator vacates the position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

### **Training**

Training will be provided each school year for all CiTi employees in conjunction with existing professional development training to raise awareness and sensitivity to harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include:

1. ways to promote a supportive environment that is free from discrimination and harassment;
2. emphasize positive relationships
3. demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of victims;
4. addressing the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex or any other legally protected status by school employees or students on school property, on a school bus, or at a school function.
5. the identification and mitigation of harassment, bullying and discrimination; and
6. strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such component shall also include instruction of safe, responsible use of the internet and electronic communications. For the purposes of this policy, "tolerance", "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized CiTi-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

### **Reports and Investigations of Discrimination and Harassment**

The CiTi will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, it is found that this policy has been violated, corrective action will be taken in accordance with CiTi policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The CiTi will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

## XV. Definitions

### Definitions of Key Words and Terms

For the purpose of this Code, the following words and phrases shall have the meanings set forth below:

1. **Controlled Substance:** A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations that apply to this Code.
2. **Disabled Student:** A student who has been identified as having a disability pursuant to the provisions of IDEA and Article 89 of the Education Law, or one who the District is deemed to know has a disability within the meaning of 34 CFR §300.527.
3. **Disruptive Student:** A disruptive student is defined as any student who is substantially interfering with the educational process, the teacher's ability to teach, or other students' ability to learn.
4. **CiTi Function:** Any school-sponsored extra-curricular event or activity, regardless of location.
5. **CiTi Property:** Any place in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary lines of one of the school buildings, or other school or controlled property, or in or on a school bus as defined in Vehicle and Traffic Law §142.5.
6. **Explosive:** An explosive device of a nature, or in a quantity, that is sufficient to cause injury to the person or the holder thereof or to the person or property of others, including the school.
7. **Illegal Drugs:** A controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional, or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State law.
8. **Illegal Substances:** Alcohol, tobacco or tobacco products, illegal drugs and inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids and any substances commonly referred to as "designer drugs."
9. **Alternative Educational Setting ("AES"):** A temporary educational placement for a student for a period of up to 45 calendar days, other than the student's current placement at the time the behavior precipitating the AES placement occurred, that enables the student to continue to progress in the general curriculum, to continue to receive appropriate services and modifications, including those described on the student's current Individualized Education Program ("IEP"), and to meet the goals set out in such IEP, and includes services and modifications to address the behavior which precipitated the AES placement that are designed to prevent such behavior from recurring.
10. **Parent:** The biological, adoptive or foster parent, guardian or person in parental relation to a student.
11. **Removal:** As it relates to a disabled student, the removal for disciplinary reasons from the student's current educational placement, for other than a suspension or a change in placement to an interim alternative educational setting (AES).
12. **Removal:** As it relates to a non-disabled student who is disruptive in class, the removal from the classroom to allow the other students to continue to learn. A classroom teacher may remove a student from class if the teacher determines the student is disruptive. The removal from class applies to the class of the removing teacher only. For purposes of this Code, the removal



commences on the second consecutive day that a student is asked to leave a teacher's classroom (the first day being considered the discretionary use of a classroom management technique by the teacher).

13. **Suspension:** The disciplinary removal of a student from his or her regular educational program and activities in accordance with Education Law §3214.
14. **Violent Student:** A student who (a) commits an act of violence upon a school employee; or (b) 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 district function; or (c) possesses a weapon while on school property or at a school function; or (d) displays, while on school property or at a school function, what appears to be a weapon; or (e) threatens, while on school property or at a school function, to use a weapon or (f) 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; or (g) knowingly and intentionally damages or destroys school property.
15. **Visitor:** Visitors will be defined as anyone in the school building(s) or on the premise(s) who does not possess official Center for Instruction, Technology and Innovation (CiTi) credentials (i.e. badge).
16. **Weapon:** A firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act, and any device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, including but not limited to: any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, BB gun, starter gun, pellet gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, chains, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, dangerous instrument, material or substance that can cause injury, serious physical injury or death when used as a weapon.
17. **Electronic Devices:** Include the following, but are not limited to: radios, portable CD players, headphones, stereos, beepers, pagers, cellular or mobile phones, electronic games, laser pointers, MP3 players, ipods, Palm Pilots, etc.
18. **School Bus:** Every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).
19. **School Function:** A school sponsored extracurricular event or activity (Education Law Section 11 [2]).
20. **Disability:** (a) A physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of 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 Section 11 [4] and Executive Law Section 292[21]).
21. **Employee:** Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or

through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

22. **Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).
23. **Gender:** Actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11[6]).
24. **Harassment and Bullying:** The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) 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, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:
  1. on school property; and/or
  2. at a school function; or
  3. off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal or non-verbal actions. “Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (See Education Law Section 11[7] and 8 N.Y.C.R.R. 100.2)

25. **Race:** A group of persons related by common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses such terms as: “White/Caucasian”, “Black/African American/African-descent”, “Asian”, “Bi-racial”, “Hispanics/Latinos” etc. to describe and classify the inhabitants of the United States.
26. **Color:** The term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
27. **Weight:** Aside from the obvious meaning in the physical sciences, the word is used in reference to a person’s “size” or “appearance”.
28. **National Origin:** A person’s country of birth or ancestor’s country of birth.
29. **Ethnic Group:** A group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion or ideology that stresses ancestry.
30. **Religion:** Specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
31. **Religious Practice:** A term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

32. **Sex:** The biological and physiological characteristics that define men and women. (Male and female denote “sex”.)
33. **Gender:** The socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women. (Masculine and feminine denote “gender”.)
34. **Sexual orientation:** The sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.
35. **Cyberbullying:** “Harassment” or “bullying”, where such harassment or bullying occurs through any form of electronic communication (Education Law Section 11[8]). Cyberbullying may occur via electronic communication on the Internet, on cellular phones or other electronic media. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening or terrorizing another student or staff member 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 website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying 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 including but not limited to: cell phones, digital cameras, personal computers, electronic tools.
36. **Hazing:** A form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:
1. Humiliation: socially offensive, isolating or uncooperative behaviors
  2. Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs
  3. Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.
37. **Material incident of harassment, bullying and/or discrimination:** A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to 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, sex, or any other legally protected status.

### **Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity

from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801a

8New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

NOTE: Refer also to policies:

#2410 – Code of Conduct on School Property

#1440 – Non-Discrimination and Anti-Harassment

#2430 – Uniform Violent and Disruptive Incident Reporting System (VADIR)

#6440 – Sexual Harassment of Students

#6462 – Bullying in the Schools

#6463 – Hazing of Students

#7140 – Equal Educational Opportunities

#7242 – Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education



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