

OSWEGO CITY SCHOOL DISTRICT
OSWEGO, NEW YORK 13126

**CODE
OF
CONDUCT**

IMPLEMENTING PROJECT SAVE

July 2001; Revised: June 17, 2003, December 18, 2007, June, 2011, August 14, 2012, March 7, 2017, August 1, 2019

TABLE OF CONTENTS

PROJECT SAVE	3
I. INTRODUCTION	7
II. DEFINITIONS	7
III. ROLE OF BOARD, SUPERINTENDENT, ADMINISTRATORS, TEACHERS, SUPPORT STAFF, AND PARENTS	11
IV. GUIDELINES FOR INTERVENTION AND DISCIPLINARY RESOURCES	13
V. CONDUCT OF VISITORS	13
VI. STUDENT BILL OF RIGHTS	13
VII. DIGNITY FOR ALL STUDENTS ACT (DASA)	16
VIII. REPORTING CODE VIOLATIONS	17
IX. DRESS AND GROOMING	17
X. COMPUTER AND INTERNET USE	18
XI. STUDENT DISCIPLINE	19
XII. DISCIPLINE OF STUDENTS WITH DISABILITIES	26
XIII. REFERRALS	33
XIV. REMEDIAL RESPONSES TO VIOLATIONS OF THE CODE OF CONDUCT	34
XV. ALTERNATIVE INSTRUCTION	34
XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY	34
XVII. GUIDELINES FOR INTERVENTIONS AND DISCIPLINARY RESOURCES	37
XVIII. EMERGENCY DRILLS	37
XIX. PROHIBITED STUDENT CONDUCT	38
XX. ATHLETIC, EXTRA-CURRICULAR, CO-CURRICULAR, AND SCHOOL FUNCTIONS EXPECTATIONS	42
XXI. ATHLETIC CODE OF CONDUCT	42
A. POLICY	43
B. ATTENDANCE	43
C. HAZING	44

D. CYBER POLICY	45
E. EXPECTATIONS	45
F. REPORTING VIOLATIONS	46
G. PROCEDURE FOR DISPOSITION OF REPORTED VIOLATIONS	47
H. OFFENSES RESULTING IN ARREST OR THE FILING OF FORMAL CHARGES IN COURT	47
I. DUE PROCESS	48
J. SUSPENSION FROM SCHOOL	48
K. OUTSIDE PARTICIPATION	48
L. ACCIDENT AND INJURIES	48

PROJECT SAVE

Code of Conduct Committee Members – July 2001

Administrators:

**Kenneth W. Eastwood
Dennis Farnsworth
David Forbes
Mary Slimmer**

Teachers:

**Sylvia Gaines
Donna Kuhn
Sarah Williams**

Parents:

**Anthony DiPierro
Denise Opet**

Students:

**Sean Farnsworth
Michael Sorendo
Meghan Whitmarsh**

Code of Conduct Revision Committee – June 2003

Administrators:

**Kenneth W. Eastwood
Patrick Dolan
Mary Slimmer
Chyrisse Conte**

Teachers:

**Sylvia Gaines
Donna Kuhn
Carrie Shuba
Sarah William**

Parents:

**Anthony DiPierro
Denise Opet**

Students:

**Caitlin Donovan
Thomas Jackson**

Code of Conduct Revision Committee – November 2007

Administrators:

William W. Crist

Peter Colocci

Bradford Dates

Peter Myles

Constance Evelyn

Director of Security & Safety:

John Anderson

Teachers:

Daniel Cunningham

Susan Olinsky

Parents:

Karen Gadziala

Johnathan VanWert

Students:

Katherine VanWert

Willaim A. Meaney

Kelsey Kostoroski

Code of Conduct Revision Committee – June 2011

Administrators:

William Crist

MaryBeth Fierro

Sean Fahey

Scott Sugar

John Anderson

Parents:

Susan Goodman

Mary Gosek

Teachers:

John Finch

Kirk Mulverhill

Students:

Sarah Gosek

Matthew McLaughlin

Code of Conduct Revision Committee – June 2012

Administrators:

William Crist
Peter Myles
Brian Hartwell
Mary Beth Fierro
John Anderson

Parents:

Lori Burger
Mary Gosek

Teachers:

John Finch
Deborah Smith

Students:

Sarah Gosek
Taylor Giglio

Code of Conduct Revision Committee – February 2015

Administrators:

Robert Duffy
Mary Beth Fierro
Dean Goewey
Peter Myles
Erin Noto
Robyn Proud
Nancy Squairs

Parents:

Julie Chetney

Students:

Carson Colucci
Katie Fierro
Jake Gerber
Clair Richardson

Teachers:

Mike Howard
Charles Rowlee

Code of Conduct Revision Committee – August 2019

Administrators:

Rhonda Bullard
Tara Clark
Robert Duffy
Kirk Mulverhill
Carrie Plasse
Samantha Spaulding
Jenni Sullivan
Heidi Sweeney
Mary Volkomer
Patrick Wallace

Teachers:

Elisa Davis
Robert Dumas
Rory Malone
Carrie Patane

Parents:

Brian Chetney
Dana Geraci

Students:

Mattie Wallace

I. INTRODUCTION

This Code of Conduct governs the conduct of students, teachers, other school personnel, and visitors pursuant to 8 NYCRR section 100.2(1) (2) (i).

OCSD supports, accepts and appreciates our diverse community of learners. With a student-centered mission, we believe that discipline can be a teaching and learning opportunity for both staff and students. Our objective is for each student to be in class and engaged in learning. When a negative behavior or conflict arises, a strategy of teaching positive behavior is the end goal. In this way we will support students to learn from mistakes, consider all points of view, and help them discover and implement more appropriate ways to deal with conflicting situations. This ideal supports our District's vision for students to be fully prepared and life ready, will help ensure a positive school community and can help foster positive connections throughout the academic and social experience.

II. DEFINITIONS

For purposes of this policy, the following definitions apply.

“Cyberbullying” means harassment or bullying as defined below, where such harassment or bullying occurs through any form of electronic communication.

“Defamation” – demeaning or harming the reputation of a person or group of persons, including making false representation or derogatory conclusions about a person or group, may include slurs, epithets, rumors, or inappropriate language.

“Dignity Act Coordinators (DACs)” refers to one or more staff members in each school, appointed by the Board of Education, who are: (i) instructed about the provisions of the District's Dignity Act Policy and the Dignity for All Students Act (DASA); (ii) thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; (iii) provided with training which addresses 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 or sex; (iv) provided with training in the identification and mitigation of harassment, bullying and discrimination; and (v) provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. The following are the names and contact information for the District's DACs:

“Directive” is any reasonable request made by any OCSD employee or representative.

“Disability” means, for purposes of the definitions of “discrimination” and “harassment and bullying” set forth below, the following:

- A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
- A record of such an impairment; or
- A condition regarded by others as such an impairment, provided, however, that in all provisions of Article 15 of the New York Executive Law dealing with employment, the term is 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.

“Discrimination” is the intimidation or unfair treatment against any student by a student or students and/or an employee or employees based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender. This is not an inclusive list.

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

“Drug Paraphernalia” includes any device or instrument that on its face is used for the production, packaging, distribution, or ingesting of a controlled substance, illegal substance or prohibited substance. This includes but is not limited to hash pipes, water pipes, clips, rolling papers, or any other items related to drug use or drug distribution.

“Emotional Harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means, for purposes of the Dignity for All Students Act (“DASA” or “Dignity Act”), any person receiving compensation from a district or employee of a contracted services 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 provision 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.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Gender Expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender Identity” is one’s self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Harassment or Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) 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. The foregoing definition includes acts of harassment or bullying that occur: (i) on school property; and/or (ii) at a school function; or (iii) off school property where such acts creates 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. Acts of harassment and bullying include, but are not limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

“Hazing” - The term “hazing” as used in this code of conduct, means any conduct or methods of initiation into any student organization, whether on public or private property, before, during or after school hours, which willfully or recklessly endangers the physical or mental health of any student or other person, or which is reasonably likely to cause harassment, intimidation, physical, emotional or psychological harm, including embarrassment or loss of human dignity to another person.

While not an exhaustive list, hazing includes the following:

- Whipping, beating, branding, or any other physical assault;
- Forced calisthenics of any kind, such as sit-ups, pushups, any other physically abusive exercises, or any other brutal treatment or forced physical activity, which is likely to adversely affect the physical health or safety of any such person;
- Forced exposure to weather or the elements;
- Forced consumption of food, liquor, beverage, drug or any other substance;
- Any forced activity which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation;
- Forced total and/or partial nudity at any time;
- Forced wearing or carrying of any obscene or physically burdensome or embarrassing article;
- Forced transportation and intentional abandonment of any person or member at any location;
- Forced assignment of “pranks” such as stealing, painting objects, or harassing other organizations, institutions or activities; or
- Calling or assigning prospective teammates demeaning names.

Illegal Substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, lookalikes (including synthetic cannabinoids), prescription or over-the counter drugs when possession is unauthorized or such are inappropriately used or shared with others and any substances commonly referred to as “designer drugs”.

“Manifestation Determination” is a meeting to review the relationship between a student’s disability and the behavior subject to disciplinary action. Its purpose is to determine whether the conduct in question was 1) caused by or had a direct and substantial relationship to the student’s disability or 2) the direct result of the school district’s failure to implement the student’s IEP or Section 504 Plan (“504 Plan”). Such determination must be based on a review of all relevant information in the student’s file, including the student’s IEP or 504 Plan, teacher observations, and relevant information provided by the student’s parents.

“Parent” means legal guardian or person legally in parental relation to a student.

“Possession” means use, possession or sale of drugs or other items of contraband including, but not limited to tobacco products, (e-cigarettes, cartridges/pods, vapes), controlled substances (including, but not limited to marijuana related products, CBD products, aerosol chemicals and inhalants) or alcohol, weapons, and/or other items. Illegally using [or], possessing, or being under the influence of a controlled substance on school property or at a school function, including having such substance on a person, in a locker, vehicle, or other personal space or concealment of such, selling or distributing a controlled substance on school property; finding a controlled substance on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

Reasonable Suspicion is defined as having grounds to suspect a search will turn up evidence that a student has violated — or is violating — the law or the rules of the school.

Retaliation means when any member of the school community retaliates against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have retaliated even if the underlying complaint of harassment is not found to be a violation of this code of conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

“School Function” means any school-sponsored extra-curricular event or activity, no matter where such event or activity occurs, including any such event or activity that takes place in another state.

“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.

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

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

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

Violence is any act, intentional or not, that attempts to hurt or hurts an individual, group, or organization, their property, dignity, possessions or reputation. Violence can be physical, emotional, mental or social.

A **“Violent Student”** means a student under the age of twenty-one (21) who:

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

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that could cause physical injury or death.

III. ROLE OF BOARD, SUPERINTENDENT, ADMINISTRATORS, TEACHERS, SUPPORT STAFF, AND PARENTS

A. Parents

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with this Code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. 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 self-respect, respect for the law, respect for school property and respect for other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.
14. Encourage their children to report known or suspected incidents of harassment, bullying and/or discrimination involving themselves or another district student.

B. Teachers

All teachers are expected to:

1. Maintain 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 or sex, so as to strengthen each student's positive self-image and promote learning.
2. Promptly report incidents of harassment, bullying and/or discrimination in accordance with this Code, DASA and District Policy.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
 - a) Course objectives and requirements
 - b) Marking/grading procedures
 - c) Assignment deadlines
 - d) Expectations for students
 - e) The classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. 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, sex, sexual orientation, or gender.
7. Report and/or investigate (as applicable) incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to their attention, in accordance with this Code, DASA and District Policy.

D. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. 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, sex, sexual orientation, or gender.
7. Report and/or investigate (as applicable) incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to their attention, in accordance with this Code, DASA and District Policy.

E. Superintendent

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

F. Board of Education

Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.

IV. GUIDELINES FOR INTERVENTION AND DISCIPLINARY RESOURCES

Discipline is most effective when student(s) have an opportunity to de-escalate and reflect on their actions. 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 appropriate. The result will be the most effective in changing student behavior. In determining the appropriate disciplinary action, authorized school personnel will consider the following:

- The student's age.
- The nature of the offense.
- The circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of previous interventions.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

Every reasonable effort should be made to correct student misbehavior through interventions and other school-based resources and the least severe disciplinary responses that are reasonably calculated to correct the behavior. Interventions are essential because inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

V. CONDUCT OF VISITORS

In an effort to maintain a safe, orderly and healthy educational environment that is conducive to learning, during the regular school day all visitors to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the order of the schools or the educational process and in accordance with the law and this Code of Conduct.

VI. STUDENT BILL OF RIGHTS

The Oswego City School District believes in the right of each child, between the ages of five (5) and twenty-one (21) years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six (6) and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from

school. Only students within the compulsory education ages (age six (6) through the school year in which the student turns sixteen (16)) are entitled to alternative, equivalent instruction following suspension.

A. Rights of Students

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

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

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

1. Student Expression – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student’s freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. Symbolic Expression – Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under paragraph 9.
3. Student Activities – All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. Student Government – Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

5. Student Clubs and Other Student Organizations – The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. Privacy Rights [Search and Seizure] – Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student’s person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the District and shared with the student.
7. Pregnant Students – The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students unless the student’s physician determines that the student is disabled and certifies that the student requires home instruction.
8. Student Grievances and Complaints – If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the principal’s answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.
9. Video Surveillance – Video surveillance cameras may be used in school buildings in areas where there is no “reasonable expectation of privacy” and on school buses in order to assist the District to maintain student discipline, to safeguard facilities and property of the District and for the safety of students, staff and visitors while on District property.

B. Responsibilities of Students

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

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined, through their actions and language;
- To attend school every day possible and on a punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;

- To respect school property, e.g. lockers, and help to keep it free from damage;
- To obey school regulations and rules made by school authorities and by the student governing body;
- To recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- To contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- To become familiar with this Code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report the incidents to the administration; and
- To use their own ideas, works, creations and knowledge in completing examinations, projects, and reports. Students who cheat and/or plagiarize (use the ideas or words of another without full acknowledgment or attribution) will receive an academic sanction, which may include a zero on the assignment.

VII. DIGNITY FOR ALL STUDENTS ACT (DASA)

The Board of Education recognizes that a learning environment that is 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 discrimination or harassment, including but not limited to bullying, taunting, hazing and intimidation. The District will, therefore, strive to create an environment free of 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 District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at school-sponsored events and activities that take place on or off of school property. In addition, any act of discrimination or harassment outside of school-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline.

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:

- Professional development for staff members;
- The complaint process; and
- Support of the Dignity Act’s civility curriculum components.

The District’s designated DASA Coordinators are:

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Dr. Robert E Duffy	Oswego City School District	315-341-2014
Dr. Linda Doty	Charles E. Riley Elementary School	315-341-2800
Kara Shore	Frederick Leighton Elementary School	315-341-2700
Dr. Mary Volkomer	Kingsford Park Elementary School	315-341-2500

Donna Simmons	Fitzhugh Park Elementary School	315-341-2400
Jennifer Sullivan	Minetto Elementary School	315-341-2600
Mary Beth Fierro	Oswego Middle School	315-341-2300
Patrick Wallace	Oswego High School	315-341-2019

VIII. REPORTING CODE VIOLATIONS

A. To School District Personnel

Students, teachers and other district personnel are encouraged to report any violation of the Code of Conduct to the Building principal or, in his/her absence, the acting building principal. Such individuals are required to report any threat of violence, including but not limited to bomb threats, threats to persons or property, whether by oral, written or electronic means, possession of a weapon, alcohol or illegal substance on school property or at a school function to a teacher, the building principal or, in his/her absence, the acting building principal or Superintendent of Schools.

Any weapon, alcohol, tobacco, nicotine, illegal substance, or similar item (such as synthetic drugs) found shall be confiscated immediately, if possible, maintained in a secure location, followed by notification to the student's parent and law enforcement as appropriate.

B. To Local Law Enforcement Agency

The District will report any acts of violence against persons that constitute a crime and other violations of the Code of Conduct which constitute a crime and affect the order and security of the school to the appropriate local law enforcement agency when the actor is over the age of 16, or is 14 or 15 years old and qualifies for juvenile offender status. This report shall be made as soon as practical but in no event later than the close of business the day the principal or Acting Building principal learns of the violation. When necessary, the District will file a complaint in criminal court against the actor.

C. To Human Services Agencies

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

IX. DRESS AND GROOMING

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

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

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry, chains, or jewelry with spikes which can injure the student or others);
- Bandanas, whether worn on the body or visibly in a pocket;
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon actual or perceived race, color, creed, ethnic group, weight, religion, religious practice, national origin, gender, sexual orientation or disability;
- The wearing of hats or hoods in the building (unless worn for religious or medical reasons);
- The wearing of do-rags, skullcaps, headbands, or other similar head adornments of any color other than plain black; and
- Any dress or appearance that constitutes a disruption to the educational process.

X. COMPUTER AND INTERNET USE

The following prohibited use of District technology resources, including but not limited to computer drives, network facilities, the Internet and Internet links) may give rise to disciplinary action against users of such equipment and/or facilities:

- A. E-mail or other electronic, digital or mobile communications (e.g., text messages) originating from the school premises or received at the school premises or school event or activity or which affects the operation of the school or a school event or activity that a student user creates that:
 - Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
 - Conveys a threat of violence, including sexual violence, to a specific individual or individuals;
 - Constitutes a state and/or federal crime;
 - Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
 - Attributes the text of e-mail, text message or other electronic, digital or mobile communication to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials; or
 - Constitutes cyberbullying or harassment.
- B. Technology/Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
- C. Technology and/or Internet use that is not school related or is unauthorized.

- D. Permitting the use of a student's log-in credentials by any other person and such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's log-in credentials.
- E. E-mails or other electronic, digital or mobile communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to or harasses or bully a specific individual or individuals or to the District may give rise to disciplinary action against such student. Local law enforcement agencies will be contacted in an appropriate case.

XI. STUDENT DISCIPLINE

A. Overview

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. School personnel are authorized to impose a consequence consistent with the student's right to due process. The parent and/or guardian will be notified of the violation and consequence.

Consequences may include any of the following:

- Oral warning
- Written warning
- Written referral
- Detention
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- Removal from classroom
- In-school suspension (up to five (5) days)
- Restorative practices
- Out of school suspension (short term/long term)
- Permanent suspension from school
- A grade of zero
- Behavioral Intervention Meeting
- Other interventions

B. Procedures

A student is entitled to due process before a consequence is imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the Superintendent may use after school detention as a penalty consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention may be and used as a consequence or a re-teaching tool only after the student's parent has been notified. Failure to attend detention may result in the imposition of an in-school suspension.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the transportation director and building principal. Students who become a serious disciplinary and/or safety problem may have their riding privileges suspended after a hearing before the building principal and the Director of Transportation. In such cases, the student's parent(s) will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with an informal hearing before the building principal and the Director of Transportation. For students who do not receive transportation as a related service, a bus suspension will count toward the federal and state limits on removals from school when the bus suspension results in the student's exclusion from school or prevents a special education student from being able to appropriately advance in the general education curriculum or towards his or her IEP goals. A bus suspension results in a removal from school and constitutes a change in placement for a special education student if it is for more than ten (10) consecutive school days or a student has received suspensions that constitute a pattern, factoring in the length of each removal, the total time of removal and the proximity of the removals. See Paragraph 12.

3. Suspension from Athletic Participation, Extracurricular Activities and other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with an informal hearing before the Director of Athletics and the building principal where the student will be given the opportunity to discuss the factual situation. Students serving in-school suspension "ISS" or out-of-school suspension "OSS" are not allowed to be at any extra-curricular activities including sporting activities during the time of the suspension.

4. In-school Suspension (ISS)

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building

principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the consequence involved.

5. Teacher Disciplinary Removal of Disruptive Students

a. 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. This may happen by maintaining behaviors that promote a positive classroom community. 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:

- “Time out” in an elementary classroom or in an administrator’s office, or in a predetermined alternate location, provided that the room is unlocked, able to be opened from the inside, and the student is continuously visually and audibly monitored at all times.
- Sending a student to the principal’s office for the remainder of the class time only.
- Sending a student to another staff member for a check in.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code. These techniques should be used first.

b. On occasion, a student’s behavior may become disruptive. This may be defined as a continuous and/or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two (2) days.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process and the teacher has determined that the student’s behavior is so disruptive as to warrant removal, then 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. This meeting should occur before the end of the school day (prior to leaving to go home for the day) during which the most recent offending behavior occurred. 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/referral form if, after the student/teacher meeting, the student is to be removed from the class. A meeting with the Building principal or his or her designee should also occur 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/referral form. A building principal and clerical worker will be available after normal student dismissal time for the purpose of being available for this principal/teacher conference and to assure that parents are properly notified. If the principal or designee is not available by the end of the same school day, the teacher must submit the discipline referral and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents 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 principal may require the teacher who ordered the removal/referral to attend the informal conference).

A telephone call and/or email when possible will be the preferred method of notification to parents. If telephone or email reciprocal contact is not possible, a written notice sent by the principal or designee must be provided by express mail delivery, or served by school district security within 24-hours of the student's removal. That written notice will be sent to the last known address of the student's parents.

If at the informal meeting with the student's parents 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 with the student's parents 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 parents and principal. The principal may require the staff who removed the student to attend the meeting. The principal or designee may overturn the removal of the student from class if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law including the District's Code of Conduct.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- The removal constitutes a change of placement of a student with an IEP or 504 plan.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever occurs first. A 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 or her class. Each principal must keep a log of all removals of students from class. This should be achieved by the teacher and building principal each placing a note in the student management system regarding the removal.

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

C. Suspension from School

Suspension from school is a severe consequence which may be imposed primarily upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board of Education retains its authority to suspend students but places primary responsibility for the suspension of students with the Superintendent and the building principals.

All staff members must immediately report and refer a violent student to the principal or Superintendent for a violation of the Code of Conduct. All referrals shall be made in writing unless the conditions warrant immediate attention. In such cases, a referral is to be prepared as soon as possible by the staff member. The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

1. Short-term (5 days or less) Suspension from School:

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address of the parents. Where

possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student, the incident for which suspension is proposed, inform the parents of the right to request an immediate informal conference with the Principal at which time the student may give his/her version of the events and, in most cases, question complaining witnesses. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

At the conference, the student and/or the student's parents shall be permitted present the student's version of the incident and, in most cases, question the complaining witnesses under such procedures as the principal may establish. Where the District's interest in protecting the identity of a student witness outweighs the interest of the student alleged to have engaged in misconduct, the accused student and/or the student's parents may not question the witness. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to people or property or an ongoing threat of disruption of the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the start of the suspension as is reasonably practicable.

After the conference, the principal shall advise the parents in writing of his or her decision. If the parents are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within ten (10) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.

Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

2. Long-term (more than 5 days) Suspension from School:

When the Superintendent or building principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student may bring his or her parents and shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf, and, in most cases, to cross-examine witnesses. Where the District's interest in protecting the identity of a student witness outweighs the interest of the student alleged to have engaged in misconduct, the accused student and/or the student's parents may not question the witness. The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a

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

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within thirty (30) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the commissioner within thirty (30) days of the decision.

3. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

D. Minimum Periods of Suspension

1. Students who bring a weapon to school:

Any student, other than a student with a disability, found guilty of bringing a firearm to school as defined in 18 USC §921 for purposes of the Gun-Free Schools Act onto school property (these would include other kinds of weapons such as a box cutter, knife, etc.) will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The Superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law. (See paragraph 12).

2. Students who commit violent acts other than bringing a firearm to school as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

Any student, other than a student with a disability, who is found to have committed a violent act, including the possession of a weapon on school property shall be subject to suspension from school for at least five (5) days. If the proposed consequence is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence the Superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom:

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

XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

A. Presumption of a Disability

A student is presumed to have a disability for disciplinary purposes if, prior to the time the behavior occurred:

1. The student had an IEP or 504 Plan in place;
2. the parent of such student expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, or an oral expression if the parent did not know how to write or had a disability that prevented a written statement;
3. The parent of the student requested an evaluation of the student pursuant to 8 NYCRR 200.4 or 8 NYCRR 200.16; or
4. A teacher of the student, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education of the District or to other supervisory personnel of the District.

B. Disciplinary Action

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.

C. Authorized Suspensions or Removals of Students with Disabilities

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 or herself or others.
- An "IAES" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A child who is placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. A student placed in an IAES shall receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior which precipitated the IAES placement and that are designed to prevent the behavior from recurring.

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 Superintendent, 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 (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10)

consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability 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:
 - 1) Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function. For purposes of this subsection, "serious bodily injury" means "bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty."
 - 2) Carries or possesses a weapon to or at school, on school premises or at a school function; or
 - 3) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or a school function.
 - "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.
 - "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.
 - "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.
- e. 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.

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

3. Special Rules Regarding the Suspension or Removal of Students with Disabilities

The District shall:

- a. Convene a manifestation team to review the relationship between the student's disability and the behavior subject to disciplinary action whenever:
 - (i) a decision is made to place a student with a disability in an IAES for misconduct involving infliction of serious bodily injury, weapons, illegal drugs or controlled substances;
 - (ii) an impartial hearing officer determines that the student with a disability must be placed in an IAES because maintaining the student in his current educational setting poses a risk of harm to the student or others; or
 - (iii) a decision is made to impose a suspension that constitutes a disciplinary change in placement on a student with a disability.
- b. Where a manifestation team has determined that the conduct subject to the disciplinary action was a manifestation of the student's disability, conduct a functional behavioral assessment (unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred).

- c. Implement a behavioral intervention plan if one has not already been implemented, or, if a behavioral intervention plan has already been implemented, review the plan and modify it as necessary to address the behavior.
- d. Hold a manifestation determination immediately, if possible, but no later than ten (10) school days after an authorized school authority decides to either place the student in an interim alternative educational setting or impose a suspension that constitutes a disciplinary change of placement.
- e. Implement immediate steps to remedy any deficiencies found in a student's IEP or 504 Plan or placement, or their implementation identified during the manifestation determination review process.

E. 504 Plans

Students with 504 Plans are also entitled to manifestation determinations when a student is subjected to a "significant change in placement."

A manifestation determination is to be conducted in the same way, regardless of whether the student has an IEP or a 504 Plan.

- 1. The manifestation determination team must include individuals who are knowledgeable regarding the student's disability and the meaning of his/her evaluation results.

F. Students Presumed to have a Disability

The parents 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 District is deemed to have had knowledge that their 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.

- 1. 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.
- 2. 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 and:
 - a. the parent of the student has not allowed the District to evaluate the student, or
 - b. the parent has declined special education services; or
 - c. the District conducted an individual evaluation and determined that the student is not a student with a disability.

3. 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.
4. 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-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension. If as a result of an expedited evaluation, the student is determined to be a student with a disability, the District shall provide special education services student, and the student shall be entitled to all the protections of a student with a disability.

G. Notice

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 safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

1. The parents of a student with disabilities subject to a suspension of five (5) 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.
2. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) 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.
3. 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 ten (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.
4. During a period of suspension or removal that does not constitute a disciplinary change of placement, students with disabilities shall receive alternate instruction on the same basis as nondisabled students.
5. During suspensions or other disciplinary removals for periods in excess of ten (10) school days in a school year that constitute a disciplinary change of

placement where a manifestation team has determined that the conduct was not a manifestation of the student's disability, the student shall be provided with the services that are necessary for the student to continue to participate in the general education curriculum, to progress towards meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The services shall be determined by the CSE.

H. Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations 8 NYCRR 201.11 incorporated into this Code.

1. 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 or 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 or her current educational placement during such proceedings.
2. 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.
3. During the pending 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 a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
4. 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.
5. An expedited due process hearing shall occur within 20 school days of the date the request for a hearing is filed. The impartial hearing office must mail a written decision to the District and the parents within ten (10) school days after the last hearing date.

I. Referral to Law Enforcement and Judicial Authorities

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a 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.

J. Red Flag Law

School administrators or designees have the right to file a petition or application for a Temporary Extreme Risk Protection Order for any student who is enrolled at the school where the administrator or designee is employed, or has been enrolled in the last six months, who they believe is likely to engage in conduct that would result in serious harm to himself, herself, or others. The administrator or designee may then seek a Final Extreme Risk Protection Order.

XIII. REFERRALS

A. Counseling

The School Counselors' or School Psychologists' Offices shall handle all referrals of students who are to receive school-based counseling. The District will not condition a student's attendance on participation in counseling, however it may condition a suspension revocation or a student's early return from suspension on his or her voluntary participation in counseling or specialized classes, including anger management or dispute resolution where applicable.

B. PINS Petitions

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.
3. Knowingly and unlawfully possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

C. Juvenile Delinquency and Juvenile Offenders

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the 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).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

XIV. REMEDIAL RESPONSES TO VIOLATIONS OF THE CODE OF CONDUCT

Students who violate this Code may also be subject to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- Peer support groups; corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans, with benchmarks that are closely monitored; and
- Parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Adoption of research-based prevention programs;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Staff professional development;
- Parent conferences;
- Involvement of parent-teacher organizations; and
- Peer support groups.

XV. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student as promptly as possible.

XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district

property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

A. Prohibited Conduct

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

1. Willfully cause physical injury to any other person, or threaten to do so, intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, religion, religious practice, ethnic group, gender, age, marital status, sexual orientation or disability;
2. Physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
3. Willfully damage or destroy property of the District or under its jurisdiction or the personal property of a district employee or any person lawfully on school property (including graffiti or arson), or remove or use such property without authorization;
4. Without permission, expressed 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, or member of the Board of Education;
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, school programs, school activities, lectures and meetings;
10. Deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
11. Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person;
12. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;
13. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic

cannabinoids) or be under the influence of any such items on school property or at a school function;

14. Loiter on or about school property;
15. Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
16. Refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
17. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function; and/or
18. Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

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:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by 3214 of the
- Education Law and the Student Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in 75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

C. Enforcement Program

- The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct,

including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

- 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 s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
- The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

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

XVII. GUIDELINES FOR INTERVENTIONS AND DISCIPLINARY RESOURCES

Discipline is most effective when student(s) have an opportunity to de-escalate and reflect on their actions. 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 appropriate. The result will be the most effective in changing student behavior. In determining the appropriate disciplinary action, authorized school personnel will consider the following:

- The student's age.
- The nature of the offense.
- The circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of previous interventions.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

Every reasonable effort should be made to correct student misbehavior through interventions and other school-based resources and the least severe disciplinary responses that are reasonably calculated to correct the behavior. Interventions are essential because inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

XVIII. EMERGENCY DRILLS

The administration of each school building shall provide instruction for and training of students, through drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Emergency drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. Eight of the drills must be evacuation drills, of which at least four must use fire escapes or identified secondary means of egress. Four of the drills must be lock down drills. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school. At least once during the school year, the district must conduct a test of its emergency plan or emergency response procedure under each of its building-level emergency response plans (no earlier than 15 minutes before normal dismissal). Parents or guardians will be notified of the drill at least one week in advance.

A. After-School Programs

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

B. Implementation

The Board of Education directs the superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the district-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

XIX. PROHIBITED STUDENT CONDUCT

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 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 of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. 1 The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept 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/insubordinate. Examples 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.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. During school hours or activities students are not permitted on any school grounds other than the one they regularly attend, unless they have received permission from the administrator in charge of those grounds.
 7. Computer/electronic communications misuse, including any unauthorized use of computers, cell phones, personal gaming or music (i.e. mp3, etc.) device(s), software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
 8. Insubordination. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 9. Lateness for, missing or leaving school without permission.
 10. Skipping detention.
 11. Skipping class.
 12. Consumption of food or drink in restricted areas without permission, including on the school bus.
 13. Public displays of affection.
 14. Aiding, abetting, encouraging or by-standing any infraction.
 15. Verbal/non-verbal or physical action/display which provokes a fight or endangers the health, safety and/or welfare of the student or others. This includes pushing or shoving that does not result in injury.
 16. Unauthorized absence from school and/or leaving campus without authorization.
 17. Abusive and/or indecent language and/or gestures directed at anyone on school grounds or at school functions.
 18. Intimidation or coercion.
 19. Rumor initiation and dissemination by any method involving any student, employee or OCSD representative.

20. Harassment (sexual, racial, etc.).
21. Extortion.
22. Threatening, stalking, or seeking to coerce or compel a person to do something. Intentionally placing or attempting to place another person in fear of imminent physical injury; engaging in verbal, non-verbal or physical conduct that threatens another with harm, including intimidation on or off school property through the use of epithets or slurs involving race, ethnicity, national origin, weight, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process, with or without a weapon.
23. Reckless endangerment: subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious injury but no actual physical injury.
24. Assault with physical injury: intentional or reckless act causing impairment of physical condition or substantial pain.
25. Arson.
26. Use or possession of fireworks on school property or at school functions.

B. Engage in conduct that is considered to be Violence as defined in Article II. Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon any other person lawfully on school property or at a school function or attempting to do so.
2. Possessing a Weapon as defined in Article II. 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. Using or threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying property while on school district property or at a school function.

C. 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. Operating outside the provisions set forth by the “Threats of Violence in

School” policy (7370). Appropriate student response to violence will include:

- a. Reporting potentially violent situation to an adult or authority figure including any school employee.
 - b. Moving away from offending/violent situation.
 - c. Demonstrating passive or non-violent attempt to protect oneself
 - d. Expression of non-committal position (i.e. call for help, “stop!”).
2. Lying to school personnel.
 3. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 4. Bullying (including Cyber-bullying) discrimination or harassment as defined in Article II. Harassment.
 5. Selling, using or possessing obscene material.
 6. Using vulgar or abusive language, cursing or swearing.
 7. Using or possessing banned or controlled substances including, but not limited to tobacco products, e-cigarettes, cartridges/pods, vapes, marijuana products, aerosol chemicals and inhalants, or alcohol. This prohibition extends to having such items on school property, at a school function, on a school bus or in a school vehicle.
 8. Possessing, consuming, selling, distributing or exchanging alcohol or illegal substances, or being under the influence of either. In addition, any item of paraphernalia or any item commonly used in the sale, use or production of an illegal substance is prohibited.
 9. Inappropriately using or sharing prescription and over-the-counter drugs.
 10. Gambling.
 11. Indecent exposure.
 12. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 13. Forgery.
 14. Trading and bartering.
 15. Inappropriate and disruptive behavior at athletic or other school events.
 16. Hazing as defined in Article II.
 17. Retaliation as defined in Article II.

- D. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Behavior that is disorderly, insubordinate or endangers the safety, morals, health or welfare of others will not be tolerated.
- E. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
 - 1. Plagiarism.
 - 2. Cheating.
 - 3. Copying.
 - 4. Altering records.
 - 5. Assisting another student in any of the above actions.

XX. ATHLETIC, EXTRA-CURRICULAR, CO-CURRICULAR, AND SCHOOL FUNCTIONS EXPECTATIONS

It is the belief of the Oswego City School District that once a student becomes a member of an athletic/co-curricular/team/group/club/organization representing the Oswego City School District that the student assumes a major responsibility. The student represents their school, their family and themselves. The student is expected to maintain high standards, as they have accepted the responsibility that coincides with being provided the opportunity to represent the school.

XXI. ATHLETIC CODE OF CONDUCT

It is the belief of the Oswego City School District that participation in the Athletic Program is a privilege that carries with it responsibilities to the school, to the team, to the student body, and to the community. When an athlete accepts this privilege, he or she must also live up to a Code of Conduct and assume responsibility as an ambassador for the Oswego City Schools. This responsibility applies whether the student-athlete is on campus, off campus, or at a competitor's school, and also applies during both the sporting season and the off season. While all students in the Oswego City Schools are expected to conform to the district's code of conduct, student-athletes, because of their visibility, have an additional responsibility to maintain good sportsmanship and a positive attitude in all sporting competitions.

The intent of the Oswego City School District is to promote responsible behavior, good sportsmanship, and love of the sport in an orderly and safe school environment. The belief of the Oswego City School District is that everyone in our community must strive toward contributing to this goal. Student athletes, parents/guardians, coaches, and spectators all have the responsibility to uphold the District Standards based on:

- **Responsible Behavior:** Use of self-control in your actions and language.
- **Mutual Respect:** Treat yourself and others with care and consideration.
- **Concern for Others:** Be truthful, honest and fair in your dealings with others.
- **Cooperation:** Listen and work together to make a positive contribution.
- **Personal Excellence:** Put forth your best effort in whatever you attempt.
- **Leadership:** Challenge oneself to take on leadership roles on the team.

These standards result in our student athletes being ***Fully Prepared and Life Ready!***

A. POLICY

It is a privilege for students to participate in interscholastic athletics at the Modified, Junior Varsity and Varsity levels. This participation requires student athletes take on additional responsibility when it comes to their behavior as an OCSD student and community member, whether it is in or out of season. For this reason athletes will follow the athletic training rules year-round.

Student athletes and their parents will review and sign the code of conduct prior to each season as part of completing the registration process on family id.

B. ATTENDANCE

School Attendance – It is an expectation that athletes are students first and academics is their #1 priority. For that reason all student-athletes are required to be in school by 10:00am. Students arriving after 10:00am without a legal excuse or who are absent from school will not be permitted to participate in practice or games that day. The athletic director or building administrator may make exceptions to this rule for the following reasons: death or serious injury of a family member; court appearance; medical appointment verified by a note from the medical office personnel; religious observance; college visits; extraordinary circumstances.

1. School Tardiness – A student-athlete who is illegally tardy to school jeopardizes participation in interscholastic athletics during that season. Student-athletes who are illegally tardy to school or illegally leave school early five (5) times will not be permitted to participate in athletic practice or contests that day. Each subsequent tardy will result in a suspension of eligibility for that day.
2. Practice Attendance/Tardiness – The New York State Public Athletic Association outlines the required number of practices needed prior to entering a scrimmage and/or contest for each sport. Each coach will set up his or her own rules on practice requirements beyond the New York State mandated requirements. Coaches will provide for students/athletes a practice schedule, practice attendance requirements, general team rules and consequences for rule violations. To maintain the appropriate physical conditioning student/athletes under disciplinary review will continue to attend any practice or meeting associated with the sport unless otherwise directed by the principal and/or athletic director. Student/athletes are expected to be at every practice and game. Missing practice or game may be reason for suspension from contests based upon the coach's discretion. It is suggested that potential conflicts be discussed with the coach prior to the conflict.

C. HAZING

When membership or participation in any athletic team is linked with involvement in hazing activities, the educational purpose of the endeavor is compromised or completely undermined. Moreover, such activities can endanger the safety of student-athletes. Because the school district is committed to providing a safe and orderly environment that promotes respect, civility and dignity for all members of the school community, hazing is strictly prohibited by the board of education. No hazing activities will be tolerated under any circumstances. Members of the school district community may not participate or be involved in hazing activities. Any member of the school district community involved in such activity shall be subject to disciplinary action for violation of this policy.

The term “hazing” as used in this code of conduct, means any conduct or method of initiation into any student organization, whether on public or private property, before, during or after school hours, which willfully or recklessly endangers the physical or mental health of any student or other person, or which is reasonably likely to cause harassment, intimidation, physical, emotional or psychological harm, including embarrassment or loss of human dignity to another person.

Consent of the victim of hazing shall not be available as a defense to any prosecution of hazing under this code of conduct. Whoever knows that another person is the victim of hazing and is at the scene of such a hazing shall, to the extent that the person can do so without danger or peril to himself/herself or others, report such activity to an appropriate official as soon as responsibly possible. Any person who knowingly and unreasonably fails to report hazing activity shall be guilty as an accomplice in such activity. Employees who fail to report an incident of hazing may be subject to disciplinary action.

While not an exhaustive list, hazing includes the following:

- Whipping, beating, branding, or any other physical assault;
- Forced calisthenics of any kind, such as sit-ups, pushups, any other physically abusive exercises, or any other brutal treatment or forced physical activity, which is likely to adversely affect the physical health or safety of any such person;
- Forced exposure to weather or the elements;
- Forced consumption of food, liquor, beverage, drug or any other substance;
- Any forced activity which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation;
- Forced total and/or partial nudity at any time;
- Forced wearing or carrying of any obscene or physically burdensome or embarrassing article;
- Forced transportation and intentional abandonment of any person or member at any location;
- Forced assignment of “pranks” such as stealing, painting objects, or harassing other organizations, institutions or activities;
- Calling or assigning prospective teammates demeaning names.

D. CYBER POLICY

Any identifiable image, photo or video which establishes that a student-athlete is using or possessing banned substances (including, but not limited to tobacco products, e-cigarettes, cartridges/pods, vapes, controlled substances (including, but not limited to aerosol chemicals and inhalants), or alcoholic beverages, will prompt an investigation into the situation. Additionally, any substantiated form of cyberbullying to fellow teammates or students in school that could result in further problems within the school may result in a violation of the athletic training rules.

E. EXPECTATIONS

The basis for the Athletic Code of Conduct is that of good citizenship and sportsmanship. In addition, student-athletes are expected to follow all local, state and federal laws. Student-athletes are also expected to follow the rules and policies of the school district, the athletic department and the particular team. Student athletes are expected to comport themselves as role models.

On or off school grounds and year round, no athlete shall use, be in possession of or under the influence of any controlled substance, including but not limited to alcohol, and/or tobacco products, steroids or any other performance enhancing substances, inhalants or any drug paraphernalia, except by lawful prescription.

It is also expected that student-athletes must not attend any social functions where alcohol or tobacco products are being used by minors or where controlled substances are being used unlawfully by anyone. The athlete must leave the site immediately upon the knowledge of alcohol or tobacco use by minors or unlawful use of controlled substances by anyone. Student-athletes who attended and willfully remain at an event where there is alcohol or other illegal substances are deemed to be in possession by association of those illegal substances or alcohol and will be subject to discipline.

Students are encouraged to contact a coach or administrator to establish their role in connection with any such event. The purpose of the call is to protect the students who made the right choice in leaving the event from future allegations of misconduct.

(Reminder: parents, by law, may not host or participate in any social functions where controlled substances (including alcohol) are being served and/or used by minors. This includes these types of functions held at an adult property when the owner is not present).

The following will be taken into account prior any necessary disciplinary action(s): student's age/grade, the nature of the offense, any prior record, the effectiveness of the discipline, information from the teachers or parents, or extenuating circumstances.

1. First Offense:

For the first offense of the Athletic Code of Conduct, a student athlete will receive consequences ranging from a warning to game/contest suspensions for that sport. The student must attend all practices during the suspension unless they are suspended from school. Additionally, the student is required to complete

one (1) counseling session with their school counselor or another counseling professional assigned by the athletic office.

Upon completion of the suspension, the student-athlete will meet with the Athletic Director to verify all sections of the suspension have been met, expectations reviewed, and a return to play is agreed upon.

NOTE:

- Any part of a suspension not fulfilled may be carried over to the next sport season.
- If an athlete elects to participate in a sport in which they normally do not participate so that their suspension does not affect their primary sport, that student will face suspension in both sports.

2. Second Offense:

For the second offense of the Athletic Code of Conduct, a student athlete will receive consequences ranging from a game/contest suspension to suspension for the remainder of the season. Additionally, the student athlete must complete a minimum number of counseling sessions. The number of sessions will be determined following the initial counseling session. Upon completion of the suspension, the student-athlete and his parent(s)/guardian will meet with the Athletic Director, parents, coach(es), and building administrator prior to re-entry into participation.

3. Third and Subsequent Offenses:

A student athlete who violates the Athletic Code of Conduct for the third time will range from a suspension for the remainder of the season to a suspension for the rest of the calendar year from the date of the offense or any portion deemed by the Athletic Director.

F. REPORTING VIOLATIONS

1. Reports of alleged violations coming from the individuals listed below, having personally witnessed the alleged violation, must be investigated by the Athletic Director or designee.
 - a. Any district employee or school board member
 - b. Any adult acting as a chaperone or assisting with a school activity at the request of a district employee.
 - c. Any law enforcement officer or agency.
 - d. A parent or legal guardian of the student involved.
2. Reports of alleged violations from persons other than the above may be investigated if cause to do so is warranted by the Athletic Director or designee.
3. Alleged violations of training rules must be reported to a coach, the Athletic Director, or a school administrator.

G. PROCEDURE FOR DISPOSITION OF REPORTED VIOLATIONS

After conducting the investigation, if it appears that there is sufficient cause to believe the violation occurred, a due process conference will be held. The conference will be held within ten (10) calendar days of the initial report alleging a violation; or thirty (30) calendar days if the report is received other than during the school year. Where practicable (e.g. if there are no contests scheduled within three (3) days, at least two (2) days prior written notice of the hearing will be provided to the following individuals:

1. The following may be included in the conference:
 - a. Student/athlete;
 - b. Parent or guardian of the student/athlete;
 - c. Coach of the athletic team the student/athlete is presently a participant on, and if not during an active season, to the coach of either the team the student most recently competed on or the coach of the team it is anticipated that the student will next participate on;
 - d. Principal of the school the student/athlete attends.

Where written notice of the conference is required, the student/athlete shall also be provided with a list of persons the Oswego City School District intends to call as witnesses at the conference and the allegation, or allegations, at least two (2) days before the conference. The student/athlete may call his/her own witnesses and is to provide the Oswego City School District with a list of the same one (1) day prior to the conference.

The student/athlete may be represented by counsel, provided notice of at least one (1) day is provided to the District. The district may elect to bring counsel as well. The formal rules of evidence will not be in effect at the conference. The Athletic Director, or designee, will be the sole fact finder and shall make his or her findings in writing within two (2) days of the conference. Any finding that the student -athlete violated the training rules must be determined by a preponderance of the evidence. Findings of violations may be appealed to the superintendent, in writing within ten (10) days of the finding of the athletic director. The superintendent may, at his or her discretion, either review the record of the conference, make a determination there from, or conduct a new conference under the same rules as the conference previously set forth. The Superintendent shall be bound by the same standard of proof and any determination of the superintendent shall be final.

H. OFFENSES RESULTING IN ARREST OR THE FILING OF FORMAL CHARGES IN COURT

An athlete who participates in activities resulting in his/her arrest or formal charges being filed in court may face additional penalties under this code. If the district has adequate and competent evidence that the student participated in the offense for which he or she is charged, a penalty may be imposed pursuant to this code prior to completion of the criminal proceeding. If the district does not have such evidence and the student is convicted of a crime, the penalty pursuant to this code will be imposed upon

conviction. In the latter case, the athlete may continue to participate in his/her sport until resolution of the matter by the judicial system.

I. DUE PROCESS

Prior to imposition of any penalty under the code, the athletic director will notify the athlete of the nature of the infraction and the student will be given an opportunity to explain his or her side of the story.

J. SUSPENSION FROM SCHOOL

Any time an athlete violates a regulation pertaining to all students and that student is suspended from school (either in-school or out-of-school suspension) they are additionally suspended from participation and attending any extra-curricular school-sponsored activities for the length of their suspension. Coaches will be notified by the athletic office and/or the middle school or high school main office when these suspensions take place.

K. OUTSIDE PARTICIPATION

The NYSPHSAA allows outside participation. Oswego student athletes must understand that commitment to the school team comes first, and outside participation should not be detrimental to an individual or the team. There may be many circumstances where a student athlete should not participate in an outside activity due to the possible effect on the team. Do not participate until you check with the individual coach involved with the school team.

L. ACCIDENT AND INJURIES

Participation by an athlete involves some degree of risk of physical injury. Such physical injury can occur in any type of athletic activity, be it “contact” or “non-contact”. Further, many injuries are truly accidental in nature and involve no negligence by anyone, including the athlete. By volunteering to participate in school sponsored athletic activity, the athlete and his/her parent(s) assume the risks for injuries to occur. If during the course of any athletic practice or contest, an athlete is injured, it is the responsibility of the coach or coaching staff to provide basic First Aid to the injured athlete and obtain further assistance, if necessary. Also, the coach will make appropriate phone calls and will document the injury.

- These lists of violations and consequences are not all-inclusive.
- Additional types of consequences may be implemented by the school administrator.
- The repetition of violations may lead to the next measure of consequence (progressive discipline).
- Chronic repetition of any level of violation may lead to long-term suspension or expulsion.
- The administration reserves the right to implement disciplinary action for incidents not specifically identified above.
- Law enforcement may be involved with any infraction as determined by the Administration or Designee.
- All Code of Conduct rules apply to the school bus and bus stops.

This does not rule out the possibility of discipline for off-campus conduct violation of this code when such conduct endangers the health or safety of pupils within the educational system or adversely affect the educative process. The District reserves the right to discipline in appropriate cases for such off-campus conduct