

Code of Conduct/District Discipline Policy

Philosophy

The Spackenkill Union Free School District Board of Education believes that order and discipline are essential to an effective educational program and that everyone in the school community must play a role in contributing to an orderly environment. Further, this orderly environment requires a code of discipline that clearly defines individual rights, responsibilities, and categories of unacceptable behavior and provides for appropriate disciplinary options and responses. The very spirit of this policy insists that the educational welfare of an individual student and of the larger school community shall be determinate.

Finally, the Spackenkill Union Free School District encourages the administration of such a policy in a way that is fair, firm, reasonable, and consistent with proper due process procedures and in compliance with provisions of federal, state, and local law, as well as with the guidelines, rules, and regulations of the New York State Commissioner of Education and the New York State Board of Regents.

I. Bill of Rights and Responsibilities of Students

It is the student's right to:	It is the student's responsibility to:
A. attend school in the district in which he/she is a legal resident;	A. attend school daily, except when ill or absent for legitimate reasons, and be on time to all classes;
B. be taught by competent and qualified teachers in a proper educational setting with appropriate materials;	B. take full advantage of all instructional activities and work to the best of his/her ability to gain an education;
C. dress and express him/herself in such a way as guaranteed by the Constitution of the United States and the State of New York;	C. dress and express him/herself in such a way so as not to endanger or interfere with the physical health or safety of him/herself or others; or convey an obscene, lewd, vulgar, indecent, or plainly offensive message likely to cause a material and substantial disruption of school activities; or be a distracting influence to others; and so as not to infringe upon the rights of other students to gain an orderly education;
D. expect the school to be an orderly place without unreasonable distractions for all students;	D. be aware of and obey all rules and regulations regulating student behavior and conduct him/herself in accordance with these guidelines;

It is the student's right to:	It is the student's responsibility to:
E. be afforded appropriate due process with regard to the students's rights and in the event disciplinary actions are brought against him/her;	E. be aware of and obey all rules and regulations regulating student behavior and conduct him/herself in accordance with these guidelines;
F. be afforded equal opportunity to participate in extracurricular activities, such as interscholastic athletics, field trips, and school clubs;	F. maintain academic and behavioral standings to qualify for participation in extracurricular activities;
G. have his/her records available for inspection by his/her parents or legal guardian upon request or by him/herself if 18 years of age or older;	G. be aware of right to access and guidelines governing such access;
H. be free from unreasonable intrusion upon his/her person or property by school personnel;	H. be aware of actions that constitute serious and dangerous wrongdoing for which school personnel may intrude upon his/her person or property;
I. be respected as an individual and free from discriminating practices and, therefore, entitled to his/her civil rights.	I. demonstrate respect and appreciation for the dignity and integrity of all; treat staff, students, and visitors civilly and with respect; and refrain from any practice discriminating against students, faculty, and other school district employees.

II. Code of Student Conduct and Discipline

Introduction

The Spackenkill Union Free School District Board of Education recognizes that students do not surrender their civil rights or in fact any right of citizenship or residence as they enter and pursue an education in our schools. The district further recognizes that students are not entitled to any special rights not enjoyed by all citizens or residents of a comparable age.

Therefore, it is understood that necessary rules and regulations must be established to ensure the educational welfare of all students. It is the responsibility of all students to know and abide by all rules and regulations concerning student conduct.

It is the responsibility of administrators and teachers to try to make sure that students meet and follow these rules and regulations and recognize these responsibilities as reasonable and fair and work toward embracing them.

Students may be held accountable and disciplined for their conduct when on school property or at school functions, and, when not on school property, where the conduct bears a nexus to the safety, morals, health, or welfare of individuals in the school community, during the course of transportation, or at or near bus stops. Students who are violent or disruptive (as those terms are defined in the New York Education Law and/or Rules and Regulations of the Commissioner of Education) or who engage in conduct that is disorderly; insubordinate; endangers the safety, morals, health, or welfare of the student or others; or endangers property as indicated by, but not limited to, the examples below, may be subject to detention, removal from the classroom, or suspension from attendance upon instruction, transportation, participation in interscholastic athletic programs, or school functions, as set forth below:

- a. causing public inconvenience, annoyance, or alarm or recklessly creating a risk thereof;
- b. committing an act of violence upon a teacher, administrator, or other school employee;
- c. committing, while on school district property, an act of violence upon another student or any other person lawfully upon school property;
- d. possessing, while on school district property, a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death;
- e. displaying, while on school district property, what appears to be a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death;
- f. threatening, while on school district property, with what appears to be a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death;
- g. attempting, while on school district property, to use any instrument that appears capable of causing physical injury or death;
- h. knowingly and intentionally damaging or destroying the personal property of a teacher, administrator, other school district employee, student, or any person lawfully upon school district property;
- i. knowingly and intentionally damaging or destroying school district property;
- j. substantially disrupting the educational process or substantially interfering with the teacher's authority over the classroom;
- k. making unreasonable noise;
- l. using abusive or obscene, lewd, vulgar, or plainly offensive language or gestures;
- m. disturbing any lawful assembly or meeting on school property;
- n. obstructing vehicles or pedestrian traffic;
- o. unauthorized and/or reckless driving on campus;
- p. wearing attire that endangers or interferes with the physical health or safety of any person lawfully on school property, or conveys an obscene, lewd, vulgar, indecent, or plainly offensive message likely to cause a material and substantial disruption of school activities;
- q. failing to comply with the reasonable direction of a teacher, administrator, or other school employee;
- r. willful disobedience;
- s. disruptive conduct on school property, other than in the classroom, or at school functions;

- t. selling or attempting to sell, using or possessing, or coming onto school property, or coming to any school function, while under the influence of alcohol, drugs, synthetic cannabinoids, or other controlled substances;
- u. selling or attempting to sell, using, or possessing drug paraphernalia;
- v. selling, using, or possessing obscene, lewd, vulgar, or plainly offensive materials;
- w. gambling;
- x. violating the civil rights of other students;
- y. stealing;
- z. extortion;
- aa. forgery;
- bb. hazing;
- cc. engaging in lewd behavior;
- dd. vandalism;
- ee. unauthorized entry on school property, including but not limited to school grounds, buildings, classrooms, and vehicles, during or after school hours;
- ff. arson or attempted arson;
- gg. lateness for, missing, or leaving school or class without permission or excuse;
- hh. cheating or permitting others to cheat on tests or other assignments;
- ii. intended plagiarism;
- jj. conduct violations of any other Board policies, rules, or regulations;
- kk. conduct for which criminal sanctions and penalties may be imposed under state, federal or local laws;

Range of penalties which may be imposed alone or in conjunction:

- a. verbal warnings;
- b. written warnings;
- c. written notification to parents or legal guardian;
- d. counseling;
- e. reprimand;
- f. probation;
- g. detention;
- h. time out;
- i. special assignments;
- j. suspension from transportation;
- k. suspension from athletic participation;
- l. suspension from social and extracurricular activities;
- m. suspension of other privileges;
- n. removal from the classroom;

- o. in-school suspension;
- p. out-of-school suspension — up to five (5) days;
- q. out-of-school suspension — exceeding five (5) days after Superintendent's Hearing.

Note: Depending upon the nature of the violation and the student's prior record, student discipline shall be progressive from lighter to more severe punishment. This does not mean that students with different discipline histories or students involved in different violations cannot receive the same penalty. With regard to students with a disability, no penalty may result in a change of placement without a manifestation determination meeting.

Repeatedly disruptive students and violent students will be subject to an out-of-school suspension no less than three (3) days, subject to modification on a case-by-case basis based on the particular circumstances present.

Initiation of a Student Disciplinary Proceeding

Any teacher, administrator, student, or school district personnel may report a violation of the disciplinary code to the building principal. The principal shall investigate the charges as he/she deems appropriate and institute an informal or formal hearing. A referral to the Committee on Special Education may be made as he/she deems necessary.

The building principal, or acting principal in the event the building principal is absent from school, and Superintendent of Schools are lawfully charged with the authority to suspend students for a period not to exceed five (5) school days in accordance with Section 3214 of the Education Law. For students who are suspended for up to five (5) school days, the person(s) in parental relationship to the student shall be notified in accordance with Part 100.2 of the Regulations of the Commissioner of Education and Section 3214 of the Education Law. Suspension in excess of five (5) days as above shall require a Superintendent's Hearing in accordance with due process procedures prescribed by Education Law.

Notwithstanding to the above any teachers or administrators may order detention for up to two (2) days for behavioral purposes without referring such cases to the building principal or designee, providing that the teachers or administrators give the student notice of the reason for the detention and an opportunity to discuss the facts behind it to justify the detention.

Teacher Removal of Students

Teachers will have the authority to remove disruptive students (as defined below) in accordance with the process described.

Definitions

1. **Disruptive Pupil** – One who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
2. **Removal** – Students are precluded from returning to the class from which they were removed.

Process for Removal

1. If student does present a danger or an ongoing threat of disruption to the academic process, removal can be immediate, but teacher must provide removed student an opportunity to present his/her version of the events within 24 hours of removal.

2. If student does not present a danger or an ongoing threat of disruption to the academic process then, before removal, teacher must provide student with explanation as to why he or she is being removed and an opportunity to present his/her version of the events.
3. Notification within 24 hours of removal: Parents must be notified by principal of removal and reasons for removal.
4. Informal conference: If pupil denies charge, opportunity for informal hearing must take place with parents, teacher, and principal within 48 hours of removal.
5. Principal's determination: Principal must make determination by close of business on the day following the informal conference to either uphold or reverse determination (determination can only be reversed if finding lacks substantial evidence, is inconsistent with Code of Conduct, a violation of law, or if conduct warrants suspension).
The principal may designate a school district administrator (e.g., an assistant principal) to carry out the principal's functions in this regard. No pupil removed by a teacher may return until: (a) the principal or designee makes a final determination or (b) the period of removal expires, whichever is less.

In the event of teacher removal of disruptive student in accordance with this Code of Conduct, continued educational programming will be provided during period of removal as soon as practicable. The type of continued educational programming will vary depending upon the student's individual needs, but may consist of, for example, study hall, in-school suspension, or other instruction as determined by the principal.

Discipline of Students with, or Suspected of Having, a Disability

Discipline of students classified as having, or suspected of having, a disability will occur in accordance with the IDEA and/or Section 504 of the Rehabilitation Act of 1973, as applicable. A description of the due process rights and procedures affecting students with, or suspected of having, a disability, when subject to discipline is set forth in Appendix A.

Referrals to Outside Agencies

When a student who is at least fourteen (14) years of age is suspended for possession on school property of a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death, the Superintendent of Schools shall refer such student to the appropriate local law enforcement officials.

A student who is less than fourteen (14) years of age and is suspended for possession on school property of a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death shall be referred by the Superintendent of Schools to the Dutchess County Attorney's Office for filing of a juvenile delinquency proceeding consistent with the provisions of Article 3 of the Family Court Act.

A student who is suspended for knowingly possessing an illegal drug on school property, or does not attend school in accordance with the provisions of part one of Article 65 of the education law, or is otherwise incorrigible, ungovernable, or habitually disobedient, and beyond the lawful control of school officials may be subject to the filing of a person in need of supervision proceeding consistent with the provisions of Article 7 of the Family Court Act. A student with a disability may, in appropriate circumstances, be subject to the filing of a person in need of supervision proceeding consistent with the provisions of Article 7 of the Family Court Act, provided that the purpose for filing such a proceeding is not to seek a change in placement of the student, unless the district's Committee on Special Education has recommended that a person in need of supervision proceeding be instituted.

See also Section III (5) (e) infra regarding when district officials will notify local law enforcement officials.

Reporting Incidents of Harassment, Discrimination, and Bullying

The Board of Education recognizes its responsibility to protect students from unlawful harassment, discrimination, and bullying while on school property. Students or staff who wish to report discrimination or harassment, including sexual harassment, should contact the district's Civil Rights Compliance Officers, Jill Berkowicz (845-463-7800) and Steven Malkischer (845-463-7810). Students or staff who wish to report an incident of bullying should contact the building's Dignity Act Coordinator, Joann Klein, at 845-463-7810.

Roles of Stakeholders Implementing Appropriate Conduct on School Property

All stakeholders should assist students in maintaining a safe, supportive school environment, 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, which will strengthen students' self-concept and promote confidence to learn.

Teachers Teachers should familiarize themselves with the requirements of this Code, including their rights and responsibilities in the removal of disruptive students, referrals of "violent" students as defined in the Code, as well as reporting dangerous situations,

Administrators Administrators should review and familiarize themselves with their obligations under this Code, including their role in removal of disruptive students, procedures for dealing with "violent" students. as well as their role in enforcing the Code in a manner that will protect the safety and well-being of the various populations of the school while respecting individual rights:

1. requirements of the Code and for reporting dangerous students;
2. conduct in accordance with law, and review of, at least annually, the Code's effectiveness and the fairness and consistency of its implementation.

Dignity Act Coordinators Dignity Act coordinators should oversee bullying prevention measures and address issues surrounding bullying in their buildings.

Parents Parents should recognize that education is a joint responsibility of parents and the school community and should familiarize themselves with the Code.

Students

It shall be the **right** of each student in the district to:

1. have a safe, healthy, orderly, and courteous school environment.
2. take part in all district activities on an equal basis regardless of race, sex, sexual orientation, national origin, or disability;
3. take part in student government activities unless properly suspended from participation pursuant to the district's discipline policy;
4. address the Board on the same terms as any citizen of the district;
5. attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law.

It shall be the **responsibility** of each student in the school district to:

1. be familiar with, and abide by, all district policies, rules, and regulations pertaining to student conduct;
2. work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. conduct him/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the school district and, as such, hold him/herself to the highest standards of conduct, demeanor, and sportsmanship;
4. be in regular attendance at school and in class;
5. contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and property;
6. make constructive contributions to the school and to report fairly the circumstances of school-related issues.
7. familiarize him/herself with the Code.

III. Maintenance of Public Order

Application of Rules

These rules and procedures hereby adopted by the Board of Education shall govern the conduct of students, teachers and other school personnel, licensees, invitees, and other authorized visitors while on school property or at school functions. These rules are not intended to repeal, supersede, amend, or preclude any other rules and procedures relating to the same subject matter adopted by the Board of Education.

Prohibited Conduct

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

- a. willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act that he/she has a lawful right to do or to do any act that he/she has a lawful right not to do;
- b. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain;
- c. willfully damage or destroy property of the school district or property under its jurisdiction, nor remove or use such property without authorization;
- d. enter into any private office of an administrative officer, member of the faculty, staff member, or member of the Board of Education without permission, expressed or implied;
- e. 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;
- f. remain in any building or facility after it is normally closed, without authorization;

g. refuse to leave any building or facility after being required to do so by an authorized administrative officer, staff member, or member of the Board of Education;

h. obstruct the free movement of persons and vehicles in any place to which these rules apply;

i. deliberately disrupt or prevent the peaceful and orderly conduct of classes, study halls, lectures, and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;

j. knowingly have in his/her possession upon any premises to which the rules apply any rifle, shotgun, pistol, revolver, or other firearm or weapon (such as, but not limited to, knives, dangerous chemicals, explosives, or any object that is not necessary for school activities and that could be read as a weapon) without the written authorization of the Superintendent, building administrators, or a designee, whether or not a license to possess the same has been issued to such person.

It is the intent of the Spackenkill Union Free School District to comply with the regulations and requirements of the Gun Free School Act. Therefore, for the purposes of the Gun Free School Act and Policy of the Spackenkill Union Free School District, a "weapon" means a firearm as defined in Section 921 of Title 18 of the United States Code. It is further the policy of the Board of Education to include said weapons but not limited to those found in Section 5 of the policy.

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

l. wear attire that endangers or interferes with the physical health or safety of any person lawfully on school property, or conveys an obscene, lewd, vulgar, indecent, or plainly offensive message likely to cause a material and substantial disruption of school activities;

m. use abusive or obscene, lewd, vulgar, or plainly offensive language or gestures;

n. commit an act of violence upon any person lawfully upon school property;

o. possess a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death;

p. display what appears to be a gun, knife, explosive or incendiary device, or other dangerous instrument capable of causing physical injury or death.

q. threaten to use any instrument that appears capable of causing physical injury or death.

r. attempt to use any instrument that appears capable of causing physical injury or death.

s. sell, attempt to sell, use, or possess, or come onto school property or to any school function while under the influence of alcohol, drugs, synthetic cannabinoids, or other controlled substance;

t. sell, attempt to sell, use, or possess drug paraphernalia;

u. discriminate, which includes the use of race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight, or disability as a basis for treating another in a negative manner.

v. bully another student, which is generally repeated negative, abusive, and/or aggressive behavior (verbal, physical, cyber, and/or relational). It is intentional with the purpose of causing physical or emotional harm and involves a real or perceived imbalance of power.

Penalties

A person who violates any of the provisions of these rules shall:

- a. If he/she is a licensee or invitee, or other authorized visitor, have his/her authorization to remain upon school property, or at a school function, withdrawn and be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection and possible referral to local law enforcement officials for the filing of a criminal complaint.
- b. If he/she is a trespasser or unauthorized visitor, be subject to ejection and possible referral to local law enforcement officials for the filing of a criminal complaint.
- c. If he/she is a student, be subject to such disciplinary action consistent with the terms and conditions of the Code of Student Conduct and Discipline.
- d. If he/she is a teacher or administrator having a probationary or permanent appointment, be subject to discipline, up to and including termination, consistent with the procedures authorized pursuant to the Education Law and the terms and conditions of the applicable collective bargaining agreement.
- e. If he/she is a member of the non-teaching and administrative staff, protected by the provisions of Section 75 of the Civil Service Law, be subject to discipline, up to and including termination, consistent with the procedures authorized pursuant to the Civil Service Law and the terms and conditions of the applicable collective bargaining agreement.
- f. If he/she is a staff member other than one described in subparagraphs (d) and (e) above, be subject to discipline, up to and including termination, consistent with the terms and conditions of the applicable collective bargaining agreement, if any, and under such laws as may apply.

Procedure

- a. The Superintendent, building principal, or his/her designee shall inform any licensee or invitee who shall violate any provisions of these rules that his/her license or invitation is withdrawn and shall direct him/her to leave the school grounds or other property of the district. In the event of his/her failure or refusal to do so, such designee shall cause his/her ejection from such school grounds or property.
- b. In the case of a trespasser or other unauthorized visitor, the Superintendent, building principal, or his/her designee shall cause such person to be ejected from school grounds or other property of the district.
- c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner established by any applicable state and/or federal law or regulation and the Code of Student Conduct and Discipline for the disposition of such charges.
- d. In the case of a teacher or administrator having a probationary or permanent appointment, charges of misconduct in violation of these rules shall be made, heard, and determined in accordance with the procedures authorized pursuant to the Education Law and the terms and conditions of the applicable collective bargaining agreement.
- e. In the case of any staff member who holds a position in the classified civil service, described in Section 75 of the Civil Service Law, charges of misconduct in violation of these rules shall be made, heard, and determined as prescribed in the Civil Service Law and the terms and conditions of the applicable collective bargaining agreement.

f. Any other staff member who violates any provision of these rules may be disciplined, up to and including termination, consistent with the terms and conditions of the applicable collective bargaining agreement, if any, and under such laws as may apply.

Enforcement Program

a. The Superintendent, building principal, or a designee shall be responsible for the enforcement of these rules and he/she shall designate the other administrative officers who are authorized to take action in accordance with these rules when required or appropriate to carry them into effect.

b. It is not intended by any provision herein to curtail the right of students, faculty, or staff to be heard upon any matter affecting them in their relations with the school district. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent, building principal, or a designee does not pose any immediate threat of injury to person or property, such designee may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such designee shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the school district, where their continued presence and conduct is in violation of these rules.

c. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of these rules, the Superintendent, building principal, or a designee shall cause the ejection of the violator from any premises that he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.

d. The Superintendent, building administrator, or a designee may apply to the appropriate law enforcement officials for any aid that he/she deems necessary in causing the ejection of any violator of these rules and he/she may request school district counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of these rules.

e. The Superintendent, building principal, or his/her designee shall notify the Town of Poughkeepsie Police Department and report all code violations that constitute a crime (misdemeanor or felony) under New York State Law.

All Code of Conduct violations that also constitute violations of applicable criminal codes (except those that substantially affect the order or security of the school)* will be handled pursuant to the following procedure:

1. The Superintendent, building principal, or his/her designee shall conduct an investigation of the incident.
2. The Superintendent, building principal, or his/her designee shall, after consulting with the district's attorneys, if appropriate, make a determination of whether the Town of Poughkeepsie Police Department and the SRO should be notified of the incident.
3. If the incident is reported to the police department, the notification will include a request that police immediately begin an investigation into the criminal code violation.
4. After the consultation with the appropriate law enforcement agency, district officials will, to the extent practical under the circumstances and as otherwise consistent with applicable laws, assist the police in their investigation, including, but not limited to, filing a criminal complaint or supporting a deposition.

* Those conducts that substantially affect the order or security of the school must be reported to the Town of Poughkeepsie Police Department immediately or as soon as practical and safe.

IV. Non-Discrimination and Anti-Harassment in the School District

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an environment that is free of harassment and discriminatory conduct as required by federal and state law.

The Board prohibits and condemns all forms of discrimination and harassment on the basis of the protected classes described below by employees, school volunteers, students, and non-employees, such as contractors and vendors, as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the district.

For employees the Board prohibits and condemns all forms of discrimination and harassment on the basis of the following protected classes: race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, genetic information, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

For students, the Board prohibits and condemns all forms of discrimination and harassment on the basis of the following protected classes: race, national origin, gender, sexual orientation, or disability.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of non-discrimination and anti-harassment will be enforced on school district premises and in school buildings; and at all school-sponsored events, programs, and activities, including those that take place at locations off school premises and in another state.

It is intended that this policy apply to the dealings between or among employees with employees, employees with students, students with students, employees/students with vendors/contractors and others who do business with the school district, as well as school volunteers, visitors, guests, and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written, or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, genetic information, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status that:

- a. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment affecting such individual) and/or creates an intimidating, hostile, or offensive work environment;
- b. has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity; or creates an intimidating, hostile, or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c. otherwise adversely affects the employment and/or educational opportunities and benefits provided by the district.

Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)

The Civil Rights Compliance Officers are Dr. Jill Berkowicz and Steve Malkischer. The Civil Rights Compliance Officer(s) shall be appointed by the Board and shall be responsible for providing information, including complaint

procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990) for any student, parent, employee, or employment applicant.

Prior to the beginning of each school year, the district shall issue an appropriate public announcement that advises students, parents/guardian, employees, and the general public of the district's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name(s), address (es), and telephone number(s) of the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer(s) shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination and harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of discrimination and harassment with all employees and students, express the district's condemnation of such conduct, and explain the sanctions for such conduct. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of, sensitivity to, and familiarity with the issues pertaining to discrimination and harassment in the schools; to enable employees to prevent and respond to discrimination and harassment; and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of discrimination and harassment complaints. Furthermore, at least one staff member at every school will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The district's policy and regulations on non-discrimination and anti-harassment will be published in appropriate school publications (such as teacher/employee handbooks, student handbooks, and/or school calendars) and will be posted on the district's website.

This policy should not be read to abrogate other district policies and/or regulations or the district Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this district. It is the intent of the district that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named group that has a legitimate, legal, and non-discriminatory reason shall not be considered a violation of district policy.

V. Procedures for Early Identification and Resolution of Disciplinary Problems

The following procedure shall be employed to ensure that reasonable efforts are applied to early intervention in cases involving disciplinary problems.

New Entrant Screening

This procedure involves teachers, administrators, and/or guidance counselors, school nurse-teachers, speech therapists, parents, and other appropriate personnel. Previous academic/social adjustments and physical examination records will be reviewed. Where indicated, the school nurse-teacher will conduct a social history study of the child. The principal will ensure that all new students are so screened.

Child Study Team

This team includes teachers, administrators, parents, psychologist, school nurse-teachers, guidance counselors, and other specialists as needed. The Child Study Team will review all records pertaining to any case and will make recommendations to the classroom teacher for program modifications or for further referral. This may include, but not be limited to, referral to appropriate outside human service agencies.

Committee on Special Education (CSE)

The Committee on Special Education, acting upon the referral of a teacher/administrator, will gain the cooperation of the parent, provide necessary testing data, and will convene a meeting to determine the least restrictive educational placement for each child referred to it. This placement could be at a local school level with little program modification, a self-contained special education class or, in serious cases, in institutional/residential settings. In appropriate circumstances, the CSE may refer the student to appropriate, outside human service agencies.

It shall be the responsibility of the Chairperson of the CSE to assure the Superintendent that students with disabilities are placed in appropriate educational programs. If the student's conduct becomes disruptive to the point that it interferes with the reasonable right of other students, the CSE shall modify the student's individual educational plan to ensure that the student continues to receive proper instruction without obstructing the rights of other students.

Classroom and Building Instructional Personnel

Nothing in the foregoing procedure shall prevent the classroom teacher(s) or building principal(s) from taking whatever other steps they deem necessary, which lies within their responsibilities, for the early identification and resolution of disciplinary problems. This may include, but not be limited to, referral to appropriate, outside human service agencies. Their sound professional understanding of child and adolescent behavior and development is a key to effective resolutions of behavioral problems.

VI. Alternative Educational Programs Appropriate to Individual Student Needs

The Spackenkill Union Free School District Board of Education recognizes that students have special needs that must be met. The following is a list of alternative educational programs that can promote student accomplishment in ways other than the traditional classroom:

- a. math, science, social studies, reading and writing remedial assistance at all appropriate grade levels at all schools;
- b. extended resources — Committee on Special Education, i.e., resource room;
- c. BOCES — self-contained special education programs;
- d. BOCES — occupational high school programs;
- e. Gifted and Talented Programs — elementary schools;
- f. Advanced Placement and Honors Programs — high school;
- g. Bridge Programs — high school/college cooperative courses leading to undergraduate credit;
- h. other programs deemed by the school to meet the individual needs of a student.

VII. Guidelines and Programs for In-Service Educational Program to Ensure Effective Implementation of School District Policy on School Conduct and Discipline

1. Each school principal shall review the policy on School Conduct and Discipline before the opening of each school year, with the entire teaching and non-teaching staff of each school.
2. A copy of the School Conduct and Discipline policy shall be posted in each school office and each faculty room for reference.
3. A copy of the School Conduct and Discipline policy shall be given to each teacher yearly either in the teacher's handbook or in flyer format.
4. The Student Conduct and Discipline policy shall be included in the student handbook for all students yearly.
5. Classroom/homeroom teachers in grades K - 8 will review the policy on School Conduct and Discipline once yearly with all students on an appropriate level.
6. High school class orientation will include yearly review of the policy on Student Conduct and Discipline.
7. A summary of the Code of School Conduct and Discipline shall be distributed to all students at a general assembly held at the beginning of the school year in each school building within the district.
8. Copies of the Code of Student Conduct and Discipline will be made available to persons in parental relation to students at the beginning of each school year. The district shall also mail a plain language summary of the Code of Student Conduct and Discipline to persons in parental relation to students before the beginning of each school year and make it available thereafter upon request.
9. Copies of the Code of Conduct shall be on the district website to ensure community awareness of its provisions; a hard copy will be mailed to any individual who requests it.
10. Copies of the Code of Conduct will be distributed to all non-school organizations that apply to use school district facilities pursuant to the district's policy and procedures governing the use of facilities pursuant to Section 414 of the Education Law.
11. Copies of the Code of Conduct will be provided to all vendors that must enter upon school district property. A provision will be included in all school district contracts whereby the vendor acknowledges having received a copy of the Code of Conduct.

APPENDIX A

DISCIPLINARY PROCEDURES FOR STUDENTS SUSPECTED OF AND/OR PREVIOUSLY IDENTIFIED AS HAVING A DISABILITY

When can a student's placement be changed?

1. If a student violates the school's discipline code, the school may change a student's placement to an interim alternative educational setting for up to forty-five (45) school days in case of possession of drugs or weapons or upon a finding of "dangerousness" by a court or impartial hearing office. The school may suspend a student for not more than ten (10) school days in a school year to the same extent as a student without a disability.
2. The school district may change a student's placement to an interim alternative educational setting for up to forty-five (45) calendar days if:

- a student brings a weapon to school or to a school activity;
- a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance (including synthetic cannabinoids) while at school or at a school activity.

The CSE will decide the nature of the setting.

3. The school district may seek an order from an IHO or a court to change a student's educational placement to an interim alternative educational setting for up to forty-five (45) calendar days if there is substantial evidence that a student or others are likely to be injured if a student stays in the current placement. The IHO will decide the nature of the setting.

4. Upon expiration of the time a student may remain in the interim alternative educational setting, the student will return to his/her previous educational placement, unless the school district requests an IHO to order another placement or the student's parent/guardian and the district agree to another placement.

5. If the interim alternative setting is challenged before an IHO, the student's pendency placement remains the interim alternative educational setting until the duration of the interim alternative educational setting expires.

Disciplinary change in placement

1. If the district seeks suspension for more than ten (10) consecutive days or if there exists a pattern of suspension of more than ten (10) days in the aggregate, which (because of their length and proximity, as well as the overall number of days suspended) would constitute a change in placement, a CSE will be convened. This meeting will be to:

- decide whether the student's behavior that led to the disciplinary action is related to his/her disability (also called a manifestation determination),
- review or develop a behavioral intervention plan to address the student's behavior.

2. If the CSE decides that the behavior is related to a student's disability, no further disciplinary action will be taken. An interim alternative educational setting may be ordered in cases of drugs, or possession of weapons, or an order from an IHO or court with regard to "dangerousness"). Also, the family, guardian, and/or student and the school district may agree to a change of program or placement.

3. If the CSE decides that the behavior is not related to a student's disability, the school may discipline the student for that behavior as they would any other student in the school, but must continue to provide FAPE and IEP services.

Parents, guardians, and students have the right:

1. to be notified of the proposed disciplinary action and to have alternate instruction for a student in accordance with Section 3214 of the Education Law;
2. to continue FAPE and IEP services for a student during any period of discipline that exceeds ten (10) days;
3. to mediation or an impartial hearing if they disagree with the CSE's manifestation determination or placement recommendation.
4. to an expedited hearing to challenge a CSE decision that a student's behavior was not a manifestation of his/her disability.