

**Penn Yan Central School
CODE OF CONDUCT
2011-2012**

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Review of Code of Conduct Time Line

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Code of Conduct
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I. INTRODUCTION

The Penn Yan Central School Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, school district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of character such as: civility, mutual respect, responsibility, citizenship, tolerance, honesty, and integrity.

The Board recognizes the need to clearly define expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to see to it that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("code").

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

II. DEFINITIONS

For purposes of this code, the following definitions apply:

"Disruptive student" means a student under the age of 21 who interferes with educational process or a staff member's authority.

"Parent" means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

"School property" means on or in 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. BOCES activities, like field trips and other activities outside the school building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the school district itself.

"School function" means any school-sponsored extracurricular event or activity.

“School Hours” School hours are defined as follows

Penn Yan Academy School Hours 7:30 AM to 2:17 PM

Penn Yan Middle School Hours 7:30 AM to 2:14 PM

Penn Yan Elementary School Hours 8:45 AM to 3:20 PM

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act. It also means any other weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

“Violent Conduct” - any individual on school property or at a school function who:

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

III. STUDENT’S RIGHTS AND RESPONSIBILITIES

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have these rights and responsibilities:

1. A safe, healthy, orderly and civil school environment.
2. Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, disability, military status, marital status, political beliefs or sexual orientation.
3. Students will have the right to due process guaranteed by the United States Constitution and New York Education Law including: present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty, access to school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Contribute to maintaining a safe and orderly school environment that is conducive to learning and demonstrate respect, honesty and integrity to self and to other persons and to property.
5. Shall be familiar with and abide by all district policies, rules and regulations (including Athletic Code of Conduct) dealing with student conduct.

6. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
7. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
8. React in a respectful, positive manner to direction given by school personnel.
9. Exhibit self control.
10. Ask questions when they do not understand.
11. Seek help in solving problems that might lead to disciplinary interventions.
12. Dress appropriately for school and for school functions.
13. Accept responsibility for their actions.
14. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship and adhering *to other district recognized codes of conduct*.

IV. ESSENTIAL PARTNERS

A. PARENTS

The district is committed to safeguarding the rights given to the parents under state and federal law. In addition to those rights, all parents have these rights and responsibilities:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, disability, military status, marital status, political beliefs or sexual orientation.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure their children are picked up in a timely manner at dismissal, for any after school activities and events.
6. Ensure absences are excused in accordance with the district's attendance policy and with written documentation.
7. Insist their children be dressed and groomed in a manner consistent with the dress code.
8. Know and abide by school rules and help their children understand them.
9. Convey to their children a positive attitude toward education and our school community.

10. Build good relationships with school personnel, other parents and their children's friends.
11. Help their children deal in a safe and respectful manner with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Dress appropriately when on school property and for school functions.
15. Establish and maintain open lines of communication with our school community.

B. SCHOOL PERSONNEL

All district personnel are expected to:

1. Maintain respect and consideration for the diversity of values and beliefs of students and their families, and not knowingly contradict, demean, or ridicule those values.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Demonstrate genuine interest and concern for student achievement.
4. Fulfill job description expectations in a responsible manner.
5. Know school policies and rules, enforce them in a fair and consistent manner, and help students to understand school rules.
6. Be responsible for enforcing the code of conduct, reporting violations and resolving all cases promptly and fairly.
7. Establish and maintain open lines of communication in our school community.
8. Exhibit self-control.
9. Dress appropriately for school and for school functions.
10. Ensure that students are released in a timely manner from school events and activities as scheduled. The staff will also make an effort to resolve any scheduling conflicts.
11. Refrain from cell phone use during instructional time.
12. Model responsible and respectful use of wireless communication devices / personal Internet only during non-instructional times without students present.
13. To insure that all medications are secure during the school day

C. SCHOOL RESOURCE OFFICER

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
3. Build positive relationships with parents, school personnel, and the community.
4. Establish and maintain open lines of communication in our school community.
5. Work with school personnel in enforcing the code of conduct and resolve all incidents promptly and fairly.

D. 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 of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education 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 school personnel in enforcing the code of conduct and resolving all cases promptly and fairly.

E. BOARD OF EDUCATION

1. 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.
2. Adopt and review at least once every year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

V. DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance appropriate for the school environment. The school district recognizes that some school functions are special events such as the eighth grade dance, Senior Ball, music performances, and field trips. Appropriate dress code for these special events will be agreed upon by the school administration and the sponsoring organization.

All essential partners should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance, regardless of current trends, in the school setting.

A student's dress, grooming, and appearance shall:

1. Be safe and appropriate and shall not disrupt or interfere with the educational process or school environment. Items such as unsecured chains, stud collars, spiked bracelets, etc. are not permitted.
2. Recognize that brief garments that may reveal midriff or private body parts including but not limited to: breast/cleavage, chest, buttocks, or genitalia are not permitted
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is deemed a safety hazard will not be allowed.
5. Not include the wearing of headgear, including bandanas, and raised hoods in the school building during school hours unless previously approved by administration.
6. Not include items that may have suggestive implications or may be deemed vulgar, obscene, libelous, or denigrate others on account of disability, race, color, religion, ancestry, national origin, sex, sexual orientation, marital status, military status and shall not disrupt or interfere with the educational process.
7. Not promote, endorse, or suggest the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal, sexual, or violent activities.
8. To ensure the safety and security of our buildings backpacks and other bags are to be secured in a designated location unless otherwise approved by administration.

Each building Principal or his/her designee shall be responsible for informing all students and their parents of the dress code at the beginning of the school year and any revision to the dress code made during the school year.

Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical replacing it with an acceptable item. Any student who fails to comply with the dress code shall be subject to discipline, up to and including out-of-school suspension.

VI. STUDENT CONDUCT

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed 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 subject to the consequences for their conduct.

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

A. Disorderly/Disruptive Examples of disorderly/disruptive conduct may include, but are not limited to:

1. Using language or gestures that are suggestive, profane, lewd, vulgar or abusive.
2. Disregard for the school dress code.
3. Computer/electronic communications misuse, including any unauthorized use of computer, software, or internet/intranet account; accessing inappropriate website; or any other violation of the district's acceptable use policy. (Copy of AUP is available in each library and computer lab.)
4. Use of personal electronic devices such as; iPods, MP3 players, electronic game devices, etc. are not to be used during class time, study time, detention areas, or during tests unless deemed appropriate by staff. Use of these devices should not interfere or disrupt the educational setting. The district recognizes the value of personal electronic devices as a technology tool in the classroom.
5. Use of wireless communication devices including, but not limited to Blackberries, cell phones, iPhones, etc. These types of devices are to be off, not used, and not seen, during school hours and extended after school detention or retention times. The district recognizes the value of these wireless communication devices as a technology tool in the classroom. These devices may be used for specific lessons or in designated locations with staff approval.

Students who violate the use of wireless communication devices may be required to turn in their wireless communication device to the staff member or administrator. Any student who fails to

comply with the request shall be subject to discipline, up to and including suspension. Failure to comply will be considered insubordinate behavior.

6. Refusal to participate in class activities.
7. Excessive talking/noise during class.
8. Public display of affection.
9. The use of recreational non-motorized means of transportation on school property. This includes but is not limited to skateboards, rollerblades, scooters, heelies, roller shoes etc. Bicycles are allowed on school property.

B. Insubordinate is the failure to comply with the reasonable directions or request of school personnel.

C. Danger to the safety, morals, health, or welfare of others. Examples of such conduct include, but are not limited to:

1. Stealing or possession of stolen property, i.e. property of other students, school personnel, or any other person while on school property.
2. Vandalizing school property, the property of other students, school personnel, or any other person.
3. Discrimination, which includes the use of disability, race, color, creed, national origin, religion, gender, or sexual orientation as a basis for treating another in a negative manner.
4. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
5. Minor Altercation – This includes physical contact, with or without physical injury.
6. Acts of Bullying, Cyber Bullying, Taunting teasing, or Sexual Harassment as defined in the district's policies and state mandates.
7. Menacing
8. Intimidation, which includes engaging in actions or statements which put an individual in fear of bodily harm.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Creating, selling, using, possessing, or exchanging (including transmitting electronic) obscene, lewd or pornographic material.
11. Possessing, consuming, creating, selling, distributing, or exchanging a cigarette, cigar, pipe or using chewing, smokeless tobacco or igniters such as lighters, matches, etc.

12. Possessing, consuming, selling, distributing, or exchanging (or intending to possess, consume, sell, distribute, or exchange) alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include inhalants, aerosols, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any controlled substance as defined by New York State Public Health Law.
13. Inappropriately using, possessing, sharing, selling or distributing (or intending to use, possess, share, sell or distribute) prescription, over-the-counter drugs and supplements. (All medications need to be brought directly to the Health Office by the parent/guardian. Students are NOT permitted to have any medications in their possession. No medications will be given to a student without a doctor's order and parent/guardian permission including over the counter drugs)
14. Indecent exposure.
15. Initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, discharging a fire extinguisher, tampering with (AED) Automated External Defibrillator or activating a fire alarm.
16. Use of lasers, blow horns and any other devices that disrupt the educational process.

- D. **Academic Misconduct.** Examples of academic misconduct include, but are not limited to:
1. Plagiarism
 2. Cheating
 3. Copying
 4. Altering records
 5. Forgery
 6. Inappropriate use of communication devices – students may not be in possession of any communication device while taking an exam. Such devices include, but are not limited to, cellular telephones, pagers, CD and audiocassette players, radios, MP3 players, personal digital assistants, video devices, and associated headsets, microphones, earplugs, etc. Examinations will be invalidated and no score will be calculated for a student if they use such a device or related communication technology or if a student wears headphones while in the exam.
 7. Assisting another student in any of the above actions.
- E. **Violent Conduct:** Examples of violent conduct include, but are not limited to:

1. Committing an act of physical, written, electronically communicated, or verbal abuse upon another student, school personnel or any other person.
2. Threatening (implied or direct) an act of physical, written, electronically communicated, or verbal abuse upon another student, school personnel or any other person.
3. Possessing, displaying, and/or threatening to use a weapon or what appears to be a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Some incidents or threats of violent acts that occur off school property may be subject to this code.

VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

All students are expected to promptly report violations of the code of conduct to any school personnel. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any school personnel.

All district staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to immediately report violations of the code to their supervisor, who shall in turn impose appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose appropriate sanction.

Any weapon, alcohol, or illegal substance found shall be safely confiscated followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that may constitute a crime as soon as practical, but not to exceed 24 hours. Those code violations that affect the order or security of a school must be reported immediately to law enforcement officials or School Resource Officer.

VIII. DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self control. Disciplinary action, when violations of this code occur, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

1. The student's age
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. The student's individualized education plan/504 plan.
6. Information from parents, teachers and/or others, as appropriate.
7. Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations.

A. CONSEQUENCES

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 with one another. The school personnel identified are authorized to impose the consequence(s), consistent with the student's right to due process:

- Verbal warning – Any Member of the District Staff
- Verbal communication with parent - Any Member of the District Staff
- Written notification to parent – Any Member of the District Staff
- Confiscation – Any Member of the District Staff
- Lunch Detention – Any Member of the District Staff
- After School Detention (with parental authorization)– Teachers, Dean of Students, Assistant Principal, Principal, Superintendent
- Short term Time-Out - Teachers, Dean of Students, Assistant Principal, Principal, Superintendent
- Removal from classroom—Teachers, Dean of Students, Assistant Principal, Principal, Superintendent
- Restitution – Principal, Assistant Principal, Dean of Students
- Suspension from transportation – Principal, Principal Designee, Superintendent
- Suspension from athletic participation – Principal, Principal Designee, Athletic Director, Superintendent

- Suspension from social or extracurricular activities – Principal, Principal Designee, Athletic Director, Superintendent
- Suspension from other privileges – Principal, Principal Designee, Superintendent
- In-school suspension – Principal, Principal Designee, Superintendent
- Short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education
- Long-term (more than five days) suspension from school – Superintendent, Board of Education
- Referred to local investigative agencies
- Permanent suspension from school – Superintendent, Board of Education

B. PROCEDURES

School personnel who are authorized to impose the consequence(s) must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. School personnel making a discipline referral must inform the student of their action. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence(s) with the imposition of the consequence. Students may be interviewed by the building staff and/or administration during an investigation.

Students who are to be given consequence(s) other than a verbal warning, written warning, or written notification to their parents are entitled to additional right(s) before the consequence(s) are imposed. These additional rights are explained below.

1. After School Detention
Teachers, Dean of Students, Assistant Principals, Principals and the Superintendent may use detention that extends beyond the normal school hours as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student's parent has been notified to confirm that there is not parental objection to the consequence and the student has appropriate transportation.
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 building Principal's attention. Students who become a serious disciplinary problem may have their bus privileges suspended by the building

Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education for students of mandatory school age.

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 opportunity for an informal conference with the building Principal to discuss the conduct and the consequence involved.

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 student's parent will be provided with an opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the consequence involved.

4. In-school Suspension

Building Principals, Assistant Principals, and the Superintendent are authorized to place students on "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive alternative education. The in-school suspension teacher will be a certified teacher. The student will be considered present for attendance purposes. While on in-school suspension, a student will be kept current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction. It is the responsibility of classroom teacher(s) to provide educational programming and activities.

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 an opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the consequence involved.

5. Teacher Removal of a Substantially Disruptive Student

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. The classroom teacher is expected to maintain student control within the classroom by using good classroom management techniques. This may include short-term "time out" not to exceed the equivalent of one class period under the direct supervision of school personnel. However, whenever a student is removed from the classroom or instructional program the teacher will communicate with the parent/guardian within 24 hours.

A disruptive student is defined as a student who is substantially interfering with (disruptive of) the educational process or with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. The teacher will be required to provide written documentation of his/her interventions, parent communications, and conference(s) with a building administrator.

A teacher may remove a substantially disruptive student from his/her classroom or instructional program for up to three consecutive days. Typically removal would be for an instructional period during the school day. At the elementary level an instructional period is typically defined as 45 - 60 minutes. At the middle and secondary level this is defined as the length of a period as defined by the bell schedule for any single incident if the teacher determines that the student is substantially disruptive. The removal from class applies to the class of the removing teacher only.

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

The teacher must complete a district-established referral form and meet with the Principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the Principal/designee is not available by the end of the same school day, the teacher must leave the form with the Principal's

secretary and meet with the Principal/designee prior to the beginning of classes on the next school day.

Within the twenty-four hours after the student's removal, the Principal must notify the student's parent in writing. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the teacher and the Principal or the teacher and the Principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The teacher must submit a copy of written notice (completed referral form) to the building main office. Written notice will be sent via personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four hours of the student's removal at the last known address for the parent. The teacher will contact the parent within twenty-four hours, by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal/designee finds any one of the following:

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

The Principal or his/her designee must make a determination to overturn the removal by the end of the next school day following the forty-eight hour period for the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may shorten the length of the removal.

Any student removed from the classroom by the classroom teacher shall receive continued educational programming and activities until he or she is permitted to return to the classroom. It is the responsibility of the classroom teacher to provide this required programming and activities at the beginning of each school day.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal or his/her designee must keep a log of all removals of students from class.

Nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office are not considered removals from class. The removal process should not become a substitute for effective classroom management.

If the student does pose a danger or ongoing threat of disruption, the teacher should notify the building's main office immediately and follow the instructions given. Within twenty-four hours, 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.

6. Suspension from School

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. Both the Superintendent and Principal have "suspending authority" referred to hereafter as Principal.

All staff members must immediately report and refer a violent student to the Principal for a violation of the code of conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared by the end of the school day by the staff member making the referral.

The Principal, when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five school days when student behavior warrants such action. At the building principal's discretion, the suspension may apply to Penn Yan Central School District.

A student who is suspended from a District school and/or BOCES on a given day is also ineligible to attend school related functions.

a. Short Term (five days or less) Suspension from School

When the Principal proposes to suspend a student charged with misconduct for five 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 the 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 for the parents/guardian. 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/guardian.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent/guardian of the right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law 3214(3)(b). Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the informal conference, the student and parents/guardian shall be authorized to present the student's version of the event and to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place prior to suspension of the student unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to 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 suspension as is reasonably practicable.

After the conference, the Principal shall advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 5 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 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 10 business days unless they can show extraordinary circumstances precluding them from doing so. If a parent/guardian wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the students' suspension, the parent/guardian must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

b. Long Term (more than 5 days) Suspension from School

When the Superintendent determines that a suspension for more than five days is warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. The Building Principal may recommend to the Superintendent that a suspension of more than five days is warranted. At the hearing the student 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.

The Superintendent shall personally hear and determine the proceeding or may, in his or her decision, 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. A tape recording 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 or modify all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that 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 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded 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 of Education within 30 days of the decision.

C. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property will be subjected to suspension from school for not less than one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dangerous knife, dirk, razor, stiletto, or any of the weapons, instruments, or appliances specified in Penal Law Section 265.01, the Superintendent or hearing officer shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument, appliance was the result of unlawful search or seizure.

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:

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

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing a weapon to school

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is 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 penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Drug related incidents: minimum of a five day suspension with a Superintendent's Hearing that could be punishable with suspension from school for up to one year.
4. Students who are substantially disruptive of the educational process or who substantially interfere with the teacher's authority over the classroom.

Any student who is substantially disruptive (one who has been removed from class 4 or more times in a semester or 3 or more times in a trimester) 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 days by the suspending authority. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent/guardian 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 penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. LEGAL REFERRALS

1. PINS Mediation – The district may request mediation with a parent in an attempt to alleviate a difficult situation.

2. PINS Petitions (Person In Need of Supervision)

a. PINS Diversion

The district may file a PINS Diversion on any student under the age of 18 who demonstrates that he/she requires supervision by:

1. Being habitually truant and not attending school as required by part one of Article 65 of 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.

b. PINS Petition

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 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. Being identified as Juvenile Delinquents and Juvenile Offenders

3. 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).
3. Any student who knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be sufficient basis for filing a PINS petition.

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.

IX. ALTERNATIVE INSTRUCTION

When a student of any age is removed from a class by a teacher or when a student of compulsory attendance age is suspended from school

pursuant to Education Law §3214, the district will take immediate steps to provide substantially equivalent instruction for the student. (In addition, alternative instruction may be made available to any student over the compulsory attendance age at the Superintendent's discretion.)

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

1. Unless otherwise noted on the IEP, students with special education IEPs, declassification plans, or 504 plans are subject to the same code of conduct, rules, and consequences as any other student. Under the specific circumstances listed below, as per part 201 of New York State regulations, there are special procedures that need to be followed for any student who has been determined by the Committee on Special Education (CSE) to have a disability.
2. When a student with a special education IEP, declassification plan, or 504 plan exhibits a pattern of behavior over time that is disruptive to the education of either that student or other students, then a Functional Behavioral Assessment (FBA) must be completed. The FBA is generally completed by a school psychologist. It provides an analysis of the disruptive behavior. A Functional Behavioral Plan (FBP) is then developed to modify the behavior.
3. If a student with a special education IEP, declassification plan, or 504 plan is suspended for 10 days or more, or has a pattern of suspensions of shorter duration that equal more than ten days and creates a "pattern," a Nexus meeting must be called to determine whether the student's behavior is a result of his or her disability. This is called a manifestation determination hearing. If the Nexus committee determines that the behavior that resulted in the disciplinary action is not related to the disability then the student may be suspended. At that point the Committee on Special Education meets to determine an alternative educational placement. If the behavior is determined to be a result of the disability, then the student may not be suspended. In that case the CSE may determine that a different educational placement is needed. If an FBA has not been completed prior to the suspension, then it must be completed at that time.
4. If a student with a special education IEP, declassification plan, or 504 plan brings illegal drugs, a controlled substance for which they do not have a prescription, a gun or other weapons to school, the Superintendent of Schools has the right to place that student in an alternative education setting for 45 days. During that time, the CSE must meet and hold a manifestation determination hearing and determine the alternative interim educational setting in which the student would be placed.
5. If school administrators determine that it is dangerous to maintain a student with a special education IEP, declassification plan, or 504 plan in his or her current placement then the District may initiate an

- expedited administrative hearing or court proceeding to remove the student from that setting. This hearing will be conducted by an impartial hearing officer from the State Education Department list. This hearing officer may place that student in an alternative education setting, even if the behavior is found to be a result of the disability.
6. If the student's parents/guardians disagree with a manifestation determination on the part of the CSE, then they have the right to request an administrative hearing.
 7. If the parents/guardians of a non-classified student claim that the school district should have had prior knowledge that the student does have a disability, then special education procedures and rights can be invoked. It is the responsibility of the Superintendent of Schools or the Building Principal to determine whether the district had basis for knowledge that the student has a disability using criteria outlined in part 201 of New York State regulations. If it is determined that the district has no basis for knowledge of a disability then the student may be suspended.
 8. The parents/guardians of a non-classified child who has been suspended have the right to request an expedited evaluation (within 15 days) to determine whether the student has a disability. The student may remain on suspension during this process.
 9. All student placements shall be in accordance with Part 201 of IDEA.

XI. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher, or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XII. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of a particular school building will be considered a "visitor."
2. All visitors to the school must first report to the building main office or reception area upon arrival at the school. There they will be required to sign the visitor's register and, if given permission by the Building Principal or his/her designee, will be issued a visitor's identification badge, which must be worn and visible at all times while in the school or on school grounds. The visitor must return the identification badge and sign out before leaving the building.
3. Visitors attending school functions outside the school day that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to request such visits a minimum of five (5) days in advance with the classroom teacher(s), so that class disruption is kept to a minimum. In such matters, classroom teachers must speak with the Principal to secure advanced approval for the visit.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Building Principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. Visitors are requested to refrain from cell phone use during school hours.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

A. Prohibited Conduct

All visitors are expected to adhere to the same guidelines as our students. Visitors are expected to be role models. No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property, or the property of a person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, disability, marital status, military status, sexual orientation.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, share, sell, distribute or exchange (or intend to possess, consume, share, sell, distribute, or exchange) alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Use tobacco products.
11. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance, board policy, or administrative regulation while on school property or while at a school function.

B. Penalties

Persons who violate this code shall be subject to the following consequences:

1. Visitors, including students from other schools. Their authorization, if any, to remain on school grounds or at the school function shall

be withdrawn and they shall be directed to leave the premises, and maybe restricted from attending future events, by the person in charge of the activity. If they refuse to leave, the matter shall be referred to local enforcement agency.

2. Penn Yan Central School students shall be subject to consequences as outlined in this Code of Conduct.
3. District employees shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or Civil Service Law §75.

C. Enforcement

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other district staff who are authorized to take action consistent with the code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

XIV. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

6. Posting the Code of Conduct on the school website.

On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

Before making any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

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