

**CATSKILL CENTRAL SCHOOL DISTRICT**

**DISTRICT'S  
CODE OF CONDUCT**

**2022-2023**

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## **TABLE OF CONTENTS**

|  |    |
|--|----|
| INTRODUCTION .....                                     | 1  |
| DEFINITIONS.....                                       | 1  |
| STUDENTS BILL OF RIGHTS AND RESPONSIBILITIES.....      | 2  |
| PROHIBITED STUDENT CONDUCT AND INFRACTIONS .....       | 4  |
| ROLES OF OUR STAKEHOLDERS .....                        | 7  |
| REPORTIUNG CODE VIOLATIONS .....                       | 10 |
| BYSTANDER MISCONDUCT.....                              | 10 |
| CELL PHONES AND OTHER PERSONAL ELECTRONIC DEVICES..... | 10 |
| CELL PHONES AND STATE ASSESSMENTS .....                | 11 |
| REMOVAL OF A STUDENT FROM A CLASSROOM.....             | 11 |
| STUDENT SUSPENSION PROCESS.....                        | 12 |
| ALTERNATIVE INSTRUCTION.....                           | 15 |
| DRESS AND GROOMING .....                               | 15 |
| HARASSMENT AND INTIMIDATION.....                       | 16 |
| DIGNITY ACT FOR STUDENTS.....                          | 17 |
| SOCIAL MEDIA .....                                     | 18 |
| SUSPENSION OF STUDENTS WITH DISABILITIES.....          | 19 |
| INFRACTIONS WITH PENALTY REFERENCES .....              | 22 |
| PUBLIC CONDUCT ON SCHOOL PROPERTY.....                 | 27 |
| PARENT / GUARDIAN SIGNATURE PAGE .....                 | 30 |

# CATSKILL CENTRAL SCHOOL DISTRICT

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## DISTRICT CODE OF CONDUCT

### INTRODUCTION

The Catskill Central School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff,
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

### DEFINITIONS

For the purposes of this Code, the following definitions apply:

**Disruptive Student** - an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Parent** - the parent, guardian or person in parental relation to a student.

**Removal** - the act of a teacher in discontinuing the presence of the student in his/her classroom.

## CATSKILL CENTRAL SCHOOL DISTRICT

**School Property** - in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in § 142 of the New York State Vehicle and Traffic Law.

**School Function** - any school sponsored extra-curricular, co-curricular or other event or activity.

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

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so.
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- possesses, while on school property or at a school function, a weapon.
- displays, while on school property or at a school function, what appears to be a weapon.
- threatens, while on school property or at a school function, to use a weapon.
- 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.
- knowingly and intentionally damages or destroys school district property.

**Weapon** - a firearm as defined in the Gun-Free Schools Act (18 USC § 921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

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

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

### RIGHTS OF STUDENTS

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

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

## CATSKILL CENTRAL SCHOOL DISTRICT

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

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code".
3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. **Student Government** - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
5. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

# CATSKILL CENTRAL SCHOOL DISTRICT

## **RESPONSIBILITIES OF STUDENTS**

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

- Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:
- to accept responsibility for his/her actions;
- to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this code and seek interpretation of parts not understood;
- to actively discourage inappropriate behavior of other students and report the incidents to the administration.

## **PROHIBITED STUDENT CONDUCT AND CODE INFRACTIONS**

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

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

The Board of Education 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 required to accept the penalties for their conduct.

The Dignity Act prohibits discrimination and harassment of students on school property by any student or employee. Harassment (including harassment using interactive and communication technologies) that takes place at locations outside of school grounds that causes or can be reasonably forecast to substantially disrupt the educational process or school environment is prohibited and potentially may be subject to disciplinary consequences.

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

- engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
  - o running in hallways
  - o making unreasonable noise
  - o using language or gestures that are profane, lewd, vulgar or obscene or promote violence or unlawful activity
  - o obstructing vehicular or pedestrian traffic

## CATSKILL CENTRAL SCHOOL DISTRICT

- o engaging in any willful act, which disrupts the normal operation of the school community
- o trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- o computer/electronic communications misuse, including any unauthorized use of computers, software, or Internet/intranet account accessing inappropriate websites; or any other violation of the district's acceptable use policy
- o unauthorized posting of activities on the Internet, which includes using a cell phone or recording device to record and transmit incidents of physical and verbal altercations.
- engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
  - o failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students
  - o lateness, missing or leaving school without permission or authorization
  - o skipping assigned detention
  - o failure to park in designated spaces in the student parking lot
  - o failing to comply with the provisions of the District's Code of Conduct
- engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
  - o failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students
  - o actions that significantly break the continuity of instruction
  - o actions that disrupt orderly school operations
- engage in conduct that is violent. Examples of violent conduct include but are not limited to:
  - o committing an act of violence (such as hitting, kicking, punching, biting, spitting and scratching) upon anyone on school grounds or at a school activity, whether on or off school grounds
  - o possessing a weapon in school, ammunition(i.e. bullets, BB's and the like), on school property or at a school activity, whether on or off school grounds. 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
  - o displaying what appears to be a weapon
  - o threatening to use any weapon
  - o intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including creating graffiti or committing an act of arson.
  - o intentionally damaging or destroying school district property
- engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
  - o lying to school personnel that causes or could cause detriment to persons or property

## CATSKILL CENTRAL SCHOOL DISTRICT

- o stealing the property of other students, school personnel or any other person on school property or attending a school function
- o defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them
- o discrimination, which includes the use of race, color, creed, national origin, religion, gender, marital status, genetic predisposition, carrier status, sexual orientation or disability as a basis for treating another in a negative manner
- o 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, annoying, alarming, or demeaning
- o intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm, such as bullying
- o 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
- o selling, using or possessing lewd and/or vulgar and/or obscene material
- o using vulgar or obscene language, cursing or swearing
- o smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco or electronic cigarette, vapors, vapor liquids and cartridges.
- o possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either "Illegal substances", which include, but are not limited to, inhalants, marijuana, synthetic marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- o using devices such as hover boards, radios, boom boxes, headsets, beepers, electronic games as disruptions to the learning process these items are prohibited in school. All such equipment will be confiscated and held until a parent comes in to pick it up, or until the end of the school year.
- o the use of (except in the case of an emergency) cell phones, cam-phones and any other electronic communications device such devices must be kept out of sight and turned off by students during the day, except when used with the teacher's prior permission for purposes of calendaring, calculating and noting assignments.
- o inappropriately using or sharing prescription and over-the-counter drugs in violation of the District's policy on the administration of medication or medications
- o gambling
- o indecent exposure or threatening indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
- o inappropriate public displays of affection beyond hand holding (kissing and groping, for example)
- o initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, pulling a fire alarm or discharging a fire extinguisher
- engage in misconduct while on a school bus It is crucial for students to behave appropriately while riding on district owned or district contracted buses to ensure their safety and that of other passengers and to avoid distracting the

## CATSKILL CENTRAL SCHOOL DISTRICT

bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards as set out in the Code of Conduct.

- Planning and/or promoting disruption of the academic environment
- engage in any form of academic misconduct. Examples of academic misconduct include:
  - o plagiarism the practice of taking someone else's work or ideas and passing them off as one's own.
  - o cheating act dishonestly or unfairly in order to gain an advantage, especially in a game or examination.
  - o copying to make a similar or identical version of.
  - o altering records change or cause to change without valid permission
  - o assisting another student in any of the above actions

The following categories are additions to or clarification of prohibited conduct.

### **THE ROLE OF PARENTS**

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to insist on prompt and regular attendance;
- to listen to the views and observations of all parties concerned;
- to recognize that all school personnel merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure;
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

### **THE ROLE OF SCHOOL PERSONNEL**

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting building principal;

## CATSKILL CENTRAL SCHOOL DISTRICT

- immediately report and refer violent students to the Principal or superintendent of schools.

### **THE ROLE OF TEACHERS**

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- plan and conduct a product of instruction that will make learning challenging and stimulating;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the discipline code to students;
- enforce the code in all areas of the school
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or superintendent of schools.

### **THE ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;

## CATSKILL CENTRAL SCHOOL DISTRICT

- assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;
- insure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities”;
- demonstrate desirable standards of behavior through personal example.

### **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

### **THE ROLE OF THE BOARD OF EDUCATION**

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this code of conduct;
- ensures that the code of conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the code of conduct is clearly communicated to students, parents, staff and the school community;
- ensures that the code of conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the code of conduct and updates it as necessary.

### **THE ROLE OF ARMED SECURITY OFFICERS**

- armed security officers are not responsible for student discipline infractions.
- reports directly to the Superintendent of Schools and the Board of Education.

### **THE ROLE OF SCHOOL RESOURCE OFFICERS**

- roles and responsibilities are outlined in the municipal agreement.
- reports directly to the Superintendent of Schools and the Board of Education.

### **CONDUCT OF VISITORS**

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this Code of Conduct.

## CATSKILL CENTRAL SCHOOL DISTRICT

### REPORTING CODE VIOLATIONS

#### 1. To School District Personnel

Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

#### 2. To Local Law Enforcement Agencies

The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the District will file a complaint in criminal court against the actor.

#### 3. To Human Services Agencies

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

### BYSTANDER MISCONDUCT

Bystanders engage in misconduct when they do not initiate or directly participate in prohibited conduct; but rather by their action and/or inaction they allow damage or injury which could have been prevented and/or encourage prohibited conduct. For example, a student or staff person engages in bystander misconduct when, although they do not initiate or directly participate in misconduct or an altercation with another person, they watch and/or objectively allow, electronically record for the purposes of promoting the event, and/or share, or promote a preventable incident or conflict to take place or continue by failing to take action to immediately seek help and/or intervention from school employees and/or authorities and/or through their words or actions they encourage participant(s) in misconduct to engage in or to continue the conduct. Students and or employees who are found to be wrongful bystanders may be subject to discipline in accordance with this Code of Conduct and applicable law and collective bargaining provisions, if any.

### CELL PHONES & OTHER PERSONAL ELECTRONIC COMMUNICATION DEVICES

The District recognizes that there are personnel electronic devices that have educational applications such as calculators, voice records, digital cameras, and musical listening devices. In some instances a “smart phone” may include applications that permit these functions. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under the direction of a teacher.

The District acknowledges that cellular phones, pagers and 2-way communication systems can be a positive means to facilitate communication: however, display and/or use of such devices can cause disruption to the educational process.

Therefore to prevent such disruption, the display and/or use by students of cellular phones (including “smart phones”), pagers, 2-way communication systems other electronic devices, and/or their accessories shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The District is not responsible for stolen, lost or damaged personal electronic devices.

The use of the camera and audio recording functions of a personal electronic device is strictly prohibited, which includes using a cell phone or recording device to record physical and verbal altercations. The use of such devices during class, when not specifically permitted by the teacher, will be considered cheating, and a grade of zero will issued for that days class activity (such as class work, quiz or examination). Unauthorized posting of activities on the internet is prohibited.

## CATSKILL CENTRAL SCHOOL DISTRICT

Use of Cell phones and other personal electronic communication devices not in accord with this policy shall result in the confiscation of the device. Upon the first offense, item(s) will be returned at the end of the day. Upon subsequent offenses, confiscated items will only be returned directly to parents. Consequences for continued offenses will include detention(s) and/or suspension(s). All unclaimed confiscated items will be discarded by June 30th of the current year.

Employees must keep personnel electronic devices turned off during student instructional time except when using such devices for instructional purposes.

In no event shall any individual take photographs or make a record in a location where an individual has a reasonable expectation of privacy, including but not limited to locker rooms, lavatories, and nurse's office. In addition, viewing, sending or sharing pictures or text having sexual content (sexting) in school, or at school activities, or from off-campus sites is prohibited.

In emergency situations, exceptions to the prohibition of the use of cellular phones and other personal electronic devices may be granted by teacher s or administrators.

### **Cellular Phones and State Assessments:**

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during state assessments. Test proctors, monitors, and school officials shall have the right to collect cell phones and other prohibited devices prior to the start of the assessment and hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it. Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

The District will not be liable and as such will not pay for, reimburse or provide a replacement for any lost or stolen communication or electronic device(s). The District will not disrupt the instructional day to search for, allow the searching for or make announcements regarding lost or stolen communication or electronic device(s).

### **REMOVAL OF A STUDENT FROM THE CLASSROOM**

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension may occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

## CATSKILL CENTRAL SCHOOL DISTRICT

- the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- the Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed;
- the Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

### **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

## CATSKILL CENTRAL SCHOOL DISTRICT

### **A. Pre-suspension Process**

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. If it is not possible to confront the student prior to his removal from school premises, this confrontation shall take place as soon thereafter as is practicable. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process the student shall be subject to immediate suspension, provided that the confrontation as described above occurs. Such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all other cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "B", below.

The pre-suspension process set forth above shall apply in the case of an in-school suspension. The provisions of Paragraph "B" below are in applicable to in-school suspensions. The student parent or guardian(s) shall be promptly notified of any in-school suspensions.

### **B. Short Term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Board of Education prior to filing any further appeal.

### **C. The Long-term Suspension Process: Suspension for More than Five Days**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

### **D. Hearing Procedures**

#### **Notice of Hearing**

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

## CATSKILL CENTRAL SCHOOL DISTRICT

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

### **The Long-Term Suspension Hearing**

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of the credible evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

## CATSKILL CENTRAL SCHOOL DISTRICT

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Alternative Instruction**

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

### **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

### **E. Self Defense**

Physical assault and fighting are not allowed. Those who are involved in such physical altercations will be subject to disciplinary action. All circumstances of self-defense will be taken under consideration by administration. Self-defense is using reasonable force against another when and to the degree a person reasonably believes the force is immediately necessary to protect him or herself or others. Fighting after staff intervention is prohibited.

### **F. Off-Campus Misconduct**

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

### **G. Dress and Grooming**

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

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

## CATSKILL CENTRAL SCHOOL DISTRICT

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry, chains, or jewelry with spikes which can injure the student or others);
- any form or article of clothing, designed primarily for outdoor use, while attending class or before/after school indoor (e.g., parkas, rain or trench coats, vests, etc.)
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- any dress or appearance which advocates or encourages other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- hats and other head gear including hoods and do-rags/wave caps (inside the building) except for religious or medical reasons
- pants/trousers worn off waist or the pants crotch at knees are prohibited if undergarments not covered or if it presents a health and safety issue
- any dress or appearance which constitutes a disruption to the educational process.
- all Catskill students will be issued an identification card. Identification cards should be worn for safety and identification purposes. Future uses may include access to cafeteria services, technology, library/media services, etc. Failure to wear an I.D. card may lead to disciplinary actions.

### **H. HARASSMENT AND INTIMIDATION**

The Board of Education is committed to providing a safe and productive learning environment within the District. Harassment and intimidation of or by students, faculty, staff, or visitors are strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus.

#### *Faculty and Staff*

Personnel at all levels are responsible for maintaining a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender (identity or expression) or sex, which will strengthen students' self-concept and promote confidence to learn. Any school employee who witnesses harassment, bullying or discrimination, or receives an oral or written report of harassment, bullying or discrimination, shall promptly orally notify the principal or Superintendent, or their designees, not later than one (1) school day after the employee witnesses or receives such report; and shall file a written report with the principal or Superintendent, or their designees, within two (2) school days after making such oral report.

#### *Bullying Behavior*

Bullying of a student by another student is inappropriate and can be considered harassment. Bullying involves a real or perceived imbalance of power, with a seemingly more powerful student or group attacking a seemingly less powerful student or group. Bullying can take several forms such as:

- Physical (including, but not limited to hitting, kicking, spitting, pushing, taking personal belongings)
- Verbal (including, but not limited to taunting, malicious teasing, name calling, making threats)
- Psychological (including, but not limited to spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)
- Electronic (including but not limited to the use of cyber tools to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone)

Bullying is characterized by:

- Power Imbalance: A bully uses his/her physical or social power over a target.

## CATSKILL CENTRAL SCHOOL DISTRICT

- Intent to Harm: A bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- Threat of Further Aggression: The bully and the target believe the bullying will continue.
- Terror: The bullying increases and becomes “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied, & The Bystander*, 2003)

All types of bullying behaviors are violations of the Code of Conduct and shall be dealt with immediately with appropriate discipline. Persistent psychological bullying can easily become harassment and as such may be considered for disciplinary action.

It is important to note that a single negative act as enumerated above may also constitute "bullying" based upon the particular circumstances such as the seriousness of the act and/or the intent of the perpetrator.

Students are encouraged to immediately report any act of bullying to a staff member. The building administration shall investigate any such complaint and take appropriate action. Such action may include disciplinary action and/or referral to school counselors.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior as set forth.

Prevention, intervention, and aftercare initiatives at the District, building, and classroom levels will be implemented as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims, and their parents to help ensure that the bullying behaviors and victimization stops.

### *Cyber Bullying:*

Cyber bullying is the use of cyber tools and informational technology such as social media, e-mail, blogging, instant messaging, text messaging, chat rooms, pagers, or cell phones to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone. Cyber bullying can include such acts as making threats, sending provocative insults that contain racial or ethnic slurs, gay bashing, or making other inappropriate comments. It might also include attempting to infect the victim's computer with a virus or flooding an e-mail inbox with nonsense messages. Cyber bullying can be disruptive to the academic environment even though it may originate from a personal computer off of school grounds and beyond the school day. Cyber bullying is prohibited behavior that may warrant an appropriate school consequence. Some cyber bullying may be considered cyber-harassment or cyber stalking which may be serious crimes. In some cases, it may be necessary to inform the local police department.

Concerns about bullying in our schools can be addressed to one of our building-level Dignity for All Students Act (DASA) coordinators:

#### DASA Coordinators and Contact Information

| <b>BUILDING</b>            | <b>DESIGNEE</b>  | <b>EMAIL</b>   | <b>TELEPHONE#</b>  |
|----------------------------|--|--|--|
| Catskill Elementary School | Ms. Ela Kessel *<br>TBA<br>Mr. John Rivers**<br>Ms. Stacy Connor**                               | <a href="mailto:ekessel@catskillcsd.org">ekessel@catskillcsd.org</a><br><br><a href="mailto:jrivers@catskillcsd.org">jrivers@catskillcsd.org</a><br><a href="mailto:sconnor@catskillcsd.org">sconnor@catskillcsd.org</a>   | 518-943-0574<br>518-943-0574<br>518-943-0574<br>518-943-0574 |
| Catskill Middle School     | Ms. Alexandria LoBianco*<br>Ms. Jennifer Osswald*<br>Ms. Kerry Overbaugh**<br>Ms. Annie Coager** | <a href="mailto:alobianco@catskillcsd.org">alobianco@catskillcsd.org</a><br><a href="mailto:josswald@catskillcsd.org">josswald@catskillcsd.org</a><br><a href="mailto:koverbau@catskillcsd.org">koverbau@catskillcsd.org</a><br><a href="mailto:acoager@catskillcsd.org">acoager@catskillcsd.org</a> | 518-943-5665<br>518-943-5665<br>518-943-5665<br>518-943-5665 |
| Catskill High School       | Ms. Kim Bushane*<br>Ms. Heather Zacchio*<br>Mr. Junait Shah**<br>Ms. Heather Bradt**             | <a href="mailto:kbushane@catskillcsd.org">kbushane@catskillcsd.org</a><br><a href="mailto:hzacchio@catskillcsd.org">hzacchio@catskillcsd.org</a><br><a href="mailto:jshah@catskillcsd.org">jshah@catskillcsd.org</a><br><a href="mailto:hbradt@catskillcsd.org">hbradt@catskillcsd.org</a>           | 518-943-2300<br>518-943-2300<br>518-943-2300<br>518-942-2300 |

**DISTRICT-WIDE COORDINATOR      \*\*\*Dr. Dan Wilson      [dwilson@catskillcsd.org](mailto:dwilson@catskillcsd.org)      518-943-0574**

**\*Pupil personnel staff member is assigned to sit with the student and take the report. The report is then forwarded to the administrator to investigate the situation**

**\*\*The administrator will investigate the situation and make a determination. The administrator will then follow-up with the student, parent and other parties**

**\*\*\*The district-wide administrator is assigned to file adult related reports, investigate and follow-through with communication to all parties.**

## CATSKILL CENTRAL SCHOOL DISTRICT

### **I. Computer and Internet Use**

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail originating from the school premises or received at the school premises that a student user creates that:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys a threat of violence, including sexual violence, to a specific individual or individuals;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

### **Social Media**

Social Media such as Facebook, Twitter, Instagram, Snapchat and Youtube have increased the ability for communication between and among school community constituent groups. The use of such media can create an increase in communication and access to information and interaction.

With the popularity of Social Media as a means of staying connected in today's world, faculty, staff, students, and parents are advised to clearly distinguish between personal and professional communications in order to maintain confidentiality and professionalism and in order to avoid potential conflicts or the appearance of impropriety.

### **J. Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

### **K. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/ guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

## CATSKILL CENTRAL SCHOOL DISTRICT

### **L. Suspension of Students With Disabilities**

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

#### §504/ADA Disability

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of ten (10) school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.

#### IDEA Disability

For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

## CATSKILL CENTRAL SCHOOL DISTRICT

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

### Manifestation Determinations

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten(10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

## CATSKILL CENTRAL SCHOOL DISTRICT

### Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length." In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

#### Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is "dangerous" and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

1. The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE's recommendation.

#### Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

## CATSKILL CENTRAL SCHOOL DISTRICT

### Pendency Placement

An IAES shall be deemed the student's "stay put" placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

### Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

### Infractions with Penalty References

| Violation  | Range of Consequences   |
|--|---|
| <b><i>1. Engage in conduct that is disorderly. Examples of disorderly conduct include:</i></b>   |   |
| <b>1a.</b> Abusive language and/or indecent gestures directed at staff, students or visitors on school grounds or at school functions  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> </ol>   |
| <b>1b.</b> Carelessness in failing to follow school rules and staff directions   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> </ol>  |
| <b>1c.</b> Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions which provoke a fight  | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> <li>3. Suspension from school for up to five (5) school days</li> </ol>   |
| <b>1d.</b> Use of beepers, cellular phones, etc. during class time without authorization; possession or use of lighters, light or laser pointers. Use of a Discman, etc. in the school building during school hours.   | <ol style="list-style-type: none"> <li>1. Confiscation</li> <li>2. Warning/reprimand (oral or written)</li> <li>3. Detention</li> <li>4. In-school suspension</li> </ol>  |
| <b>1e.</b> Violation of Information Technology Policy  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> <li>5. Suspension from school in excess of five (5) days</li> </ol> Suspension of Computer Privileges |
| <b>1f.</b> Driving recklessly, speeding, failing to follow school crossing guard's directives on school grounds  | Suspension or revocation of driving and parking privileges <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> </ol>  |
| <b>1g.</b> Parking in unauthorized areas   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> </ol>   |
| <b>1h.</b> Inappropriate public displays of affection  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> </ol>   |
| <b>1i.</b> Trespassing while suspended from school   | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>  |
| <b><i>2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:</i></b>   |   |
| <b>2a.</b> Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code and for failing to notify a parent of assignment to detention | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> <li>5. Suspension from school in excess of five (5) days</li> </ol>                                   |

CATSKILL CENTRAL SCHOOL DISTRICT

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| <b>2b.</b> Class, study hall, homeroom, teacher detention, administrative detention cuts  | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> </ol>   |
| <b>2c.</b> Eating or drinking where prohibited  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> </ol>  |
| <b>2d.</b> Tardiness to class/school  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. Lunch detention</li> </ol>  |
| <b>2e.</b> Unauthorized absence from school   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> </ol>   |
| <b>2f.</b> Leaving campus without authorization   | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> </ol>   |
| <b>3. Engage in conduct that is disruptive. Examples of disruptive conduct include:</b>   |   |
| <b>3a.</b> Disturbances which disrupt instruction   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> </ol>   |
| <b>3b.</b> Repeatedly disruptive and/or substantially interferes with the teacher's authority in class, giving rise to removal on four or more occasions per semester | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>  |
| <b>4. Engage in conduct that is violent. Examples of violent conduct include:</b>   |   |
| <b>4a.</b> Fighting between students where harm is caused to one or more of the combatants  | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> <li>3. Suspension from school in excess of five (5) days</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <b>4b.</b> A fight involving the use or threatened use of a dangerous or deadly weapon  | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>4. Permanent suspension (expulsion)</li> </ol> |
| <b>4c.</b> Any violent act against a teacher or other staff member, as described in this code   | <ol style="list-style-type: none"> <li>1. Suspension from school in excess of five (5) days</li> <li>2. Permanent suspension (expulsion)</li> </ol>   |
| <b>4d.</b> Any violent act against another student or person at a school function home or away  | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> <li>3. Suspension from school in excess of five (5) days</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <b>4e.</b> Possession of dangerous or deadly weapons on school property   | <ol style="list-style-type: none"> <li>1. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>2. Permanent suspension (expulsion)</li> </ol>   |

CATSKILL CENTRAL SCHOOL DISTRICT

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| <p><b>4f.</b> Possession of illegal drugs, dangerous drugs, counterfeit drugs, synthetic drugs (such as synthetic cannabinoids) or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at school or at school functions</p>       | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4g.</b> Use of illegal drugs, dangerous drugs, counterfeit drugs, synthetic drugs (such as synthetic cannabinoids) or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions</p> | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4h.</b> Sale or other distribution of illegal drugs, alcohol, synthetic drugs or counterfeit drugs, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions</p>                            | <ol style="list-style-type: none"> <li>1. Suspension from school in excess of five (5) days</li> <li>2. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> <li>3. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4i.</b> Intentional destruction of school property</p>   | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> <li>3. Suspension from school in excess of five (5) days</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4j.</b> Activation of a false alarm, bomb threat or other disaster alarm</p>   | <ol style="list-style-type: none"> <li>1. Suspension from school in excess of five (5) days</li> <li>2. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>3. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> </ol> |
| <p><b>4k.</b> Possession of fireworks, smoke bombs and/or other noxious materials on school property or at school functions</p>  | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>  |

**CATSKILL CENTRAL SCHOOL DISTRICT**

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| <p><b>4l.</b> Use of fireworks, smoke bombs and/or other noxious materials on school property or at school functions</p>  | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>4. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4m.</b> Hazing</p>  | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>   |
| <p><b>4n.</b> Arson</p>   | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Permanent suspension (expulsion)</li> </ol>  |
| <p><b>4o.</b> Harassment on the bias of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability</p> | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> <li>3. Suspension from school for up to five (5) school days</li> <li>4. Suspension from school in excess of five (5) days</li> <li>5. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>6. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> </ol> |
| <p><b>4p.</b> Any action which may result in endangering the health, safety and welfare of others</p>   | <ol style="list-style-type: none"> <li>1. Suspension from school in excess of five (5) days</li> <li>2. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days</li> <li>3. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability</li> <li>4. Permanent suspension (expulsion)</li> </ol>   |
| <p><b>5.</b> Engage in any conduct that endangers the safety,</p>   |  |

CATSKILL CENTRAL SCHOOL DISTRICT

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| <b><i>morals, health or welfare of others. Examples of such conduct include:</i></b>   |  |
| <b>5a.</b> Abusive language and/or indecent gestures directed at staff, students, or visitors on school grounds or at school functions   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> </ol>      |
| <b>5b.</b> Recognize that brief garments such as tube tops, halter tops, spaghetti straps, crop tops, plunging necklines (front and/or back), undergarments exposed and see-through garments are not school appropriate.   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> </ol>  |
| <b>5c.</b> Possession or dissemination of obscene materials  | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> <li>4. Suspension from school for up to five (5) school days</li> </ol>      |
| <b>5d.</b> Smoking or other tobacco use on campus or at school functions   | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. Suspension from school for up to five (5) school days</li> </ol>                                       |
| <b>5e.</b> Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions which provoke a fight  | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> <li>3. Suspension from school for up to five (5) school days</li> </ol>  |
| <b>5f.</b> Fighting between students where no dangerous instruments are involved and no person is injured in the altercation   | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> <li>3. Suspension from school for up to five (5) school days</li> </ol>  |
| <b>5g.</b> Gambling  | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> </ol>  |
| <b>5h.</b> Lewd behavior   | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> <li>3. Suspension from school in excess of five (5) days</li> </ol>              |
| <b><i>6. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.</i></b> |  |
| <b><i>7. Engage in any form of academic or legal misconduct. Examples of academic misconduct include:</i></b>  |  |
| <b>7a.</b> Cheating in any academic, extra-curricular or co-curricular activity  | (academic sanction)  |
| <b>7b.</b> Commission of conduct which constitutes a misdemeanor while on school property or at a school function  | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>   |
| <b>7c.</b> Commission of conduct which constitutes a felony while on school property or at a school function   | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Permanent suspension (expulsion)</li> </ol>  |
| <b>7d.</b> Extortion   | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days.</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Permanent suspension (expulsion)</li> </ol> |
| <b>7e.</b> Plagiarism  | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> </ol>  |
| <b>7f.</b> Intentional destruction of school property  | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> </ol>  |

CATSKILL CENTRAL SCHOOL DISTRICT

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|  | <ol style="list-style-type: none"> <li>3. Suspension from school in excess of five (5) days</li> <li>4. Permanent suspension (expulsion)</li> </ol>   |
| <b>7g.</b> Theft of school property                | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> <li>3. Permanent suspension (expulsion)</li> </ol>           |
| <b>7h.</b> Forgery or fraud                        | <ol style="list-style-type: none"> <li>1. In-school suspension</li> <li>2. Suspension from school for up to five (5) school days</li> <li>3. Suspension from school in excess of five (5) days</li> </ol>                       |
| <b>7i.</b> Unauthorized absence from school        | <ol style="list-style-type: none"> <li>1. Warning/reprimand (oral or written)</li> <li>2. Detention</li> <li>3. In-school suspension</li> </ol>   |
| <b>7j.</b> Theft of personal property              | <ol style="list-style-type: none"> <li>1. Detention</li> <li>2. In-school suspension</li> <li>3. Suspension from school for up to five (5) school days</li> <li>4. Suspension from school in excess of five (5) days</li> </ol> |
| <b>7k.</b> Trespassing while suspended from school | <ol style="list-style-type: none"> <li>1. Suspension from school for up to five (5) school days</li> <li>2. Suspension from school in excess of five (5) days</li> </ol>  |

**THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

**THE ABOVE LISTING IS NOT INTENDED TO BE ALL-INCLUSIVE. THE ADMINISTRATION RESERVES THE RIGHT TO IMPLEMENT DISCIPLINARY ACTION FOR INCIDENTS NOT SPECIFICALLY IDENTIFIED ABOVE. STUDENTS WHO ENGAGE IN BEHAVIOR DETERMINED TO BE INAPPROPRIATE AND/OR DISRUPTIVE TO THE SCHOOL ENVIRONMENT WILL BE SUBJECT TO DISCIPLINARY CONSEQUENCES.**

In July 2001, the State Education Law was amended by the SAVE Act. As a result of this amendment, each year, all the school districts in New York State are required to report certain information to SED about the violent and disruptive incidents that occurred in their schools during the past year.

- homicide
- sexual offenses
- kidnapping
- assault with serious physical injury\*
- Assault with physical injury\*
- arson
- robbery
- reckless endangerment\*
- criminal harassment
- intimidation, harassment, menacing, or bullying\*
- Burglary, larceny, or other theft offenses
- criminal mischief\*
- bomb threat
- false alarm
- other disruptive incidents\*
- possession, but not use of a weapon
- use, sale or possession of drugs or alcohol

*PUBLIC CONDUCT ON SCHOOL PROPERTY*

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

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school

## CATSKILL CENTRAL SCHOOL DISTRICT

buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

### *PROHIBITED CONDUCT*

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

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- 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;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

### **PENALTIES AND PROCEDURES**

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

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

### **ENFORCEMENT PROGRAM**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

**CATSKILL CENTRAL SCHOOL DISTRICT**

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

CATSKILL CENTRAL SCHOOL DISTRICT

**PLEASE SIGN AND RETURN BY THE CLOSE OF SCHOOL FRIDAY,  
SEPTEMBER 30, 2022**

**Please take the time to review the contents of this handbook and Code of Conduct with your child. We are committed to maintaining high standards of education for students in our schools, and encourage you to call us if you have any questions**

My signature below indicates that I am in receipt of this Parent/Student Handbook which includes the Catskill School District Code of Conduct.

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Parent/Guardian Signature

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Date