



Schenectady City School District

Code of Conduct

Adopted July 20, 2011

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Related Policies

- Policy on Discipline of Students with Disabilities - BOE Policy # 7690
- Policy on Bullying - BOE Policy # 7552
- Policy on Student Dress Code - BOE Policy # 7312
- Policy on Personal Electronic Devices - BOE Policy #7318

Code of Conduct

The Schenectady City School District is committed to ensuring that our schools are safe, secure and orderly environments in which teaching and learning take place each day. In order for our schools to be safe and supportive environments, everyone within the school community - including students, staff, parents, and visitors - must demonstrate and offer respect. For these reasons, the Board of Education adopts this Code of Conduct. These guidelines are established to help students as they strive to become productive citizens in a diverse society.

I. INTRODUCTION

a. STANDARDS OF BEHAVIOR: ACCOUNTABILITY AND SUPPORT

All members of the school community — students, staff, parents, and visitors— must know and understand the standards of behavior which all students are expected to follow and the consequences for students when they fail to meet the standards. The Code of Conduct is in compliance with the Safe Schools Against Violence (SAVE) legislation. The Code of Conduct provides standards for student conduct and intervention measures, outlines clear consequences for students who violate school rules and serves as a standard for consistency and fairness to protect students' rights while promoting personal responsibility. Unless otherwise indicated, the Code of Conduct applies to all students, including those with disabilities, school personnel, parents and other visitors when on school property or attending a school function.

The broad range of disciplinary measures outlined in the Code of Conduct ensures consistent and equitable treatment for **all** students and allows principals and other school administrators the ability to exercise discretion to make sound educational judgment. Principals, teachers, school staff, students, and parents need to know the disciplinary measures that can be taken when a student misbehaves or is disruptive during class. Sometimes inappropriate behavior or violations to the Code of Conduct are symptoms of more serious problems. It is important that the school personnel are sensitive to issues that may influence student behavior and thus respond in a manner that is supportive of student needs. Possible interventions are outlined in this document.

b. PROMOTING POSITIVE STUDENT BEHAVIOR

Each school is expected to promote a positive school climate and culture that provides students with a supportive environment in which to grow both academically and socially.

c. **PREVENTION AND INTERVENTION**

School personnel are responsible for developing and using strategies that promote optimal learning and positive behavior throughout a student's school experience. They are also responsible for addressing behaviors which disrupt learning. If a parent or school personnel suspect that a student's difficulties may be the result of a disability that may require support services, the student should immediately be referred to the *School Based Support Team (SBST)*.

ii. **DEFINITIONS**

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

“Parent” means parent, guardian or person in parental relationship to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in the Vehicle & Traffic Law § 142.

“School function” means any school-sponsored or sanctioned extra-curricular event or activity, on or off-campus.

“Disruptive student” means 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. Disruptive behavior may include, but is not limited to: yelling, using profanity, waving arms or fists, or verbally abusing others.

“Violent student” means a student under the age of 21 who:

- a. Commits an act of violence upon a school employee, or attempts to do so;
- b. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on the school property or at a school function, or attempts to do so;
- c. Possesses, while on school property or at a school function, a weapon;
- d. Displays while on school property or at a school function what appears to be a weapon;
- e. Threatens while on school property or at a school function to use a weapon;
- f. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;

- g. Knowingly and intentionally damages or destroys District property.

“Weapon” means a firearm, as defined in 18 U.S.C. § 921 for purposes of the Gun-Free Schools Act. It also means any other gun, bb-gun, pistol, revolver, shotgun, rifle, machine gun, a disguised gun, dagger, dirk, razor, stiletto, switchblade, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electric dart gun, kung-fu star, electronic stun-gun, pepper spray or other noxious spray, explosive, incendiary bomb or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. ESSENTIAL PARTNERS

The Board of Education, school personnel, students, and parents each have a role in making schools safe and must cooperate with one another to achieve this goal.

All students are expected to:

- Know school rules, understand them, and obey these rules.

All parents are expected to:

- Be familiar with school rules, including the Code of Conduct, in order to be active and involved partners in promoting a safe and supportive school environment.
- Promptly bring concerns regarding educational issues to the attention of school personnel.
- Inform school personnel of any issues in the home setting that might be affecting their child’s conduct or performance.
- Be a role model and demonstrate the behaviors that they would like to see their child emulate.

All teachers are expected to:

- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents their class expectations and classroom discipline plan.
- Communicate with parents about their child’s progress and behavior.
- Be a role model and demonstrate the behaviors that they would like to see their students emulate.

All principals are expected to:

- Promote a safe and orderly school environment.
- Review the Code of Conduct with all staff at the beginning of the school year.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases of disruptive incidents are resolved promptly and fairly.

- Be a role model and demonstrate the behaviors that they would like to see their students emulate.

The superintendent is expected to:

- Promote a safe and orderly school environment.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

Members of the Board of Education are expected to:

- Collaborate with students, teachers, administrators, parent organizations, school safety personnel and other school personnel to develop the Code of Conduct.
- Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

IV. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of these responsibilities may lead, in accordance with the Code of Conduct, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society.

Students have a responsibility to:

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and proper textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. share information with school officials regarding matters which may endanger the health, welfare or safety of members of the school community;
7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the education or rights of others;

8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these factors;
10. behave in a truthful and cooperative manner toward students, teachers and other school staff;
11. use non-confrontational methods to resolve conflicts;
12. provide positive leadership by encouraging student involvement;
13. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
14. observe ethical codes for journalism and scholastic honesty in all work;
15. refrain from obscene and defamatory communication in speech, writing and other modes of expression in their interactions with the school community;
16. verbally express themselves in a manner which promotes cooperation and does not interfere with the educational process;
17. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
18. bring to school only those personal possessions which are safe and do not interfere with the learning environment, including personal electronic devices;
19. be familiar with the Code of Conduct and abide by school rules and regulations;
20. adhere to the guidelines established by the District's Dress Code and by school staff for all educational activities
21. provide leadership to encourage fellow students to follow established school policies and practices;
22. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communication that are provided by school staff to students for transmittal to their parent.

V. BILL OF STUDENT RIGHTS AND RESPONSIBILITIES

a. PREAMBLE

- **Students learn best when adults serve as active, positive role models.**
- **Students learn best when there is unconditional acceptance and tolerance of differences.**
- **Students learn best when respect and civility are modeled by all.**
- **Students learn best when behavioral expectations are clearly defined and enforced.**

b. THE RIGHT TO A FREE PUBLIC SCHOOL EDUCATION

While public schools serve many age groups whose rights may differ according to their levels of maturity, the right to a free public school education is a basic "student right" guaranteed to all children.

Each student has a right to:

- attend school and receive a free public school education until the age of 21;
- be in a safe and supportive learning environment and receive courtesy and respect from others;
- receive a written copy of the District's Code of Conduct;
- ask for school rules and receive an explanation of those rules including:
 - diploma requirements, including courses and examinations and information on assistance to meet those requirements;
 - grading criteria for each subject area and/or course offered by the school and to receive grades for school work completed based on established criteria;
 - educational progress and receive periodic evaluations both informally and through formal progress reports;
 - the possibility of being held over in the grade or of failing a course;
- be informed about required health, cognitive and language screening examinations;
- be informed about courses and programs that are available in the school and the opportunity to have input in the selection of such student's elective courses;
- for students over the age of 18 (pursuant to the federal Family Educational Rights and Privacy Act ("FERPA")), review his or her education records upon request and to request amendment to education records believed to be inaccurate or misleading. Such students also have the right to consent to disclosures of personally identifiable information in the student's education record, except to the extent

- that applicable law authorizes disclosure without consent;
- confidentiality in the handling of student records maintained by the school system;
- for high school students (or the parent of the student) request that the student's name, address, and telephone listing not be released to military recruiters or institutions of higher education, without prior written parental consent;
- receive guidance, counseling and advice from school personnel for personal, social, educational, career and vocational development.

c. **THE RIGHT TO FREEDOM OF EXPRESSION AND PERSON**

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the Schenectady City School District Board of Education.

Students have the right to:

- organize, promote and participate in student organizations and clubs, as part of the formal education process or as authorized by the school principal;
- provide representation on appropriate school-wide committees that influence the educational process, as designated by school personnel;
- participate and express opinions through the publication of school newspapers and newsletters, with oversight from qualified faculty advisors;
- freedom of inquiry and expression, both written and oral, within appropriate limits under law and provided that the rights of others are not diminished;
- decline to participate in the Pledge of Allegiance or stand for the pledge.

VI. INTERVENTIONS

In order to help promote positive behavior, schools provide a range of prevention and intervention strategies and support services for students during and/ or after school hours. The Code of Conduct outlines a list of interventions that should be considered as a response to misconduct. The type of behavior is considered when determining a method of intervention.

TYPES OF INTERVENTIONS

- **Parent Outreach:** School personnel will keep parents informed of their child's behavior and actively engage parents as partners when addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.

- **Intervention by Counseling Staff:** School-based counseling personnel offer a range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family therapy, teacher consultations, educational strategies for parents and staff.
- **Conference:** Parents, principals or teachers may request a conference with the student, school staff members and parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.
- **Restorative Approaches:** Restorative approach is a means of managing conflict before it escalates. This approach gives the student who is responsible for causing harm an opportunity to understand how his or her behavior affects others and provides a way to make it right. This approach can help identify underlying factors that lead students to engage in inappropriate behavior.
- **Individual/Group Counseling:** Counseling provides students with an outlet to discuss personal issues that may be negatively impacting their attendance, behavior, and/or academic success, in private. Students discuss and formulate goals as well as learn problem solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.
- **Peer Mediation:** Peer mediators help classmates identify the problems that might be causing their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.
- **Mentoring Program:** A mentoring program matches a mentor (who may be a counselor, teacher, community volunteer, student and/or leader) with a **student**. The object of this relationship is to help *the student* in his/her personal, academic and social development.
- **Conflict Resolution:** Conflict resolution provides an opportunity for students to take responsibility and peacefully resolve conflict. The related activities teach students, parents, and staff problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.
- **Development of Individual Behavior Contract:** The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will perform in order to meet those objectives. The contract is
 - signed by the student, teacher and, where appropriate, the parent.
- **Short-Term Behavioral Progress Reports:** Teachers and/or principals may send periodic behavioral progress reports to parents until they feel that the student is in control of his/her behavior and working in the classroom successfully.

- **Referral to SBST (School-Based Support Team):** SBSTs are school-based teams that take a multi-disciplinary approach utilizing prevention and intervention strategies and supports in order to encourage student success. An appropriate staff member on the child's team will be identified to ensure that an individualized plan is created to help the student overcome his or her academic and/or socio-emotional difficulties.
- **Community Service (with Parental Consent):** Students may be provided with community service opportunities designed to help them gain a greater appreciation of their school community and develop skills to become agents of positive social change. Community service projects help to occupy the student's time with positive activities, encourage positive behavior and teach students the value of service to others.
- **Referral to a Community-Based Organization (CBO):** Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.
- **Referrals to Other Appropriate Counseling Services:** From time to time, referrals may be made for other outside counseling services (e.g., substance abuse).

VII. STANDARDS FOR STUDENT CONDUCT

a. ATTENDANCE

School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that manifest as truancy, patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent in order to determine an appropriate course of action which may include, but not be limited to: intervention, referral for counseling, referral to after-school programs, the filing of a Person in Need of Supervision (PINS) Petition in Family Court and referral to the Department of Social Services (DSS). Cases of suspected educational neglect must be called into the New York State Central Registry. Please also refer to the District's Comprehensive Student Attendance Policy, No. 7110.

b. STUDENT DRESS CODE

The District has adopted a Student Dress Code, which sets dress deemed appropriate and acceptable on school property and at school functions and dress deemed inappropriate and unacceptable on school property and at school functions. Students are responsible for adhering to the Student Dress Code Policy. A violation of the Dress Code Policy may subject students to disciplinary measures as set forth in this Code of Conduct.

VIII. REPORTING VIOLATIONS

All school district personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School district personnel who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any student observing another student possessing a weapon, alcohol or illegal substance on school property or at a school function is encouraged to report this information immediately to any staff member or administrator.

The building principal or designee will consult with the appropriate local law enforcement agency regarding violations that constitute a crime. Notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

IX. INFRACTIONS, PROCEDURES, MINIMUM PERIODS OF SUSPENSIONS AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that students view as fair and impartial. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will refer to the Code of Conduct and will consider the following:

- the student's age, maturity, and previous disciplinary record (including the nature of the prior misconduct, the number of prior instances of misconduct, and the disciplinary measure imposed for each);
- the nature of the offense and the circumstances that led to the offense;
- the appropriateness of other forms of discipline;
- information from parents, teachers, staff and/or others as appropriate; and
- other extenuating circumstances.

As a general rule, discipline will be progressive, meaning that a student's first violation will usually merit a lighter penalty than subsequent violations. However, school personnel may impose a more severe penalty for a first violation depending on the specific facts and circumstances of the incident.

If the conduct of a student is related to a disability or suspected disability, the students may be referred to the Committee on Special Education. Discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, except to the extent permitted by federal and state law.

a. Consequences

Any student who is found to have violated the Code of Conduct may be subject to a range of penalties, as set forth in Section XIV of this Code of Conduct.

b. Procedures.

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate to the extent necessary the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning, or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

- Detention. Teachers, principals and the superintendent may use lunch, before school and after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified, and arrangements for appropriate post-detention transportation home have been made, in accordance with the following procedures:
In an elementary school or middle school setting, the teacher and/or school administrator shall be responsible for notifying a parent of the imposition of a detention and for ensuring that the parent makes arrangements for appropriate transportation home following the detention. In the high school environment, the student has the obligation to notify his or her parent that a detention has been imposed. The school will provide a late bus to ensure appropriate transportation home following the detention.
- Suspension from Transportation. If a student does not conduct himself or herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have the right and privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education. The student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.
- Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges. A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing

pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

- Teacher Disciplinary Removal of Disruptive Students. A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques.

Before a student is removed the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. (If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)

The teacher must complete a District established disciplinary removal form and meet with the building principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the building principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the building principal or designee must notify the student's parents, in writing, that the student has been removed from the class and why. The notice must also inform the parent that he or she and the student have the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal. (If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)

The written notice must be provided by personal delivery, express mail delivery or some other means that is reasonably calculated to ensure receipt of the notice at the last known address for the parents within 24 hours of the student's removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number (s) for the purpose of contacting parents. (If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)

The informal meeting, if requested by the parents, must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and building principal. The building

principal will require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the building principal or designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of relevant events.

The building principal or designee may overturn the removal of the student from class if any of the following are found:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the Code of Conduct.
- The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

The building principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the building principal makes a final determination or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The principal will keep a complete log (on a district-established form) for all cases of removal of students from his or her class.

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

- In-School Suspension. The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as a result of a Code violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. A student subjected to in-school suspension is not entitled to a full hearing, pursuant to Education § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

- Suspension from School. Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals. Any staff member may recommend to the superintendent or building principal that a student be suspended. All staff members must immediately report and refer a violent student to the building principal or the superintendent for a violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate action. The superintendent or principal, upon receiving a recommendation or referral for suspension, or when processing a case for suspension, shall gather the facts relative to the matter and record them for subsequent presentation if necessary:

- i. Short-Term (5 days or less) Suspension from School. When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five (5) days or less, pursuant to Education Law § 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parent, in writing, that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent. Where possible, notice should also be provided by telephone, if the school has been provided with a telephone number for the purpose of contacting the parent.

The notice shall provide a description of the charges against the student and the incident for which the suspension is proposed, and shall inform the parent of the right to request an immediate informal conference with the principal. At the conference, the parent shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. Translation services will be offered at all stages of the process.

The notice and opportunity for an informal conference shall take place before the student is suspended, unless the student’s presence in school poses a continuing danger to persons or property or an on-going threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the principal shall promptly advise the parent in writing of his/her decision. The principal shall advise the parent that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five (5) business days, unless they can

show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten (10) business days after receiving the appeal. If the parent is not satisfied with the superintendent's decision, the parent must file a written appeal to the Board of Education with the District clerk within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision. The District may, in its discretion, continue to impose the suspension during the pendency of any appeal.

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

When the superintendent or principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parent of the right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him/her, and the right to produce witnesses and other evidence on his/her behalf. The superintendent shall personally hear and determine the proceeding, or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths, and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript should be required. Tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

Appeal of the decision of the superintendent may be made to the Board. The Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within ten (10) business days of the date of the superintendent's decision, unless the parents can show extraordinary circumstances precluded them from doing so. The Board may adopt or reject, in whole or in part, the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision. The District may, in its discretion, continue to impose the suspension during the pendency of any appeal.

- **Minimum Periods of Suspension**

Students who bring a weapon to school Any student found guilty of bringing any weapon onto school property will be subject to a suspension from school for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. *

Students who commit violent acts, other than bringing a weapon to school. Any student who is found

to have committed a violent act, other than bringing a weapon onto school property, will be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. *

Students who are repeatedly substantially disruptive of the educational process, or repeatedly substantially interfere with the teacher's authority over the classroom. Any student who is repeatedly and substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five (5) days. For purposes of this Code, "repeatedly and substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teachers, pursuant to Education Law § 3214(3-a) and this Code, on four (4) or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. *

* The superintendent has the authority to modify the length of suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following: the student's age, student's grade in school, student's prior disciplinary record, superintendent's belief that other forms of discipline may be more effective, input from parents, teacher and/or others; and other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

a. Referrals

- i. PINS Proceedings. The District may file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:
- Being habitually truant and not attending school as required by Part I of Article 65 of the Education Law;
 - Engaging in an on-going continuing course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school; or

- Knowingly and unlawfully possesses marijuana or a controlled substance in violation of the Penal Law. A single violation of the controlled substance provisions of the Penal Law will be a sufficient basis for filing a PINS petition.
- ii. Juvenile Delinquents and Juvenile Offenders. The superintendent is required to refer the following students to the County Attorney for juvenile delinquency proceedings before the Family Court:
- Any student under the age of 16 who is found to have brought a weapon to school; or
 - Any student, 14 or 15 years old, who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20(42).

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

X. ALTERNATIVE INSTRUCTION

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

XI. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that for students with disabilities there are prescribed procedures whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with §3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the school has the authority to suspend or remove a child for violating the Code of Conduct, the parent and child have certain rights throughout the process.

XII. VISITORS TO THE SCHOOLS

The building principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school is considered a visitor.

- All visitors to the school during the school day must report to the school's visitor sign-in desk or the main office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office before leaving the building.
- Visitors attending school functions that are open to the public and scheduled during the school day or evening, are not required to register.
- Visitors are not to interfere with classroom instruction.
- Any unauthorized person on school property will be reported to the building principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The purpose of this Code of Conduct is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly dressed for the purpose they are on school property. When the building principal or designee sees an individual engaged in disruptive or disorderly conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the building principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop.

If the person's conduct poses an immediate threat of injury to persons or property, the building principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, who violates the Code of Conduct. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

Animals, with the exception of guide or service dogs, are not allowed on school property at any time without prior approval of the principal.

XIV. DISSEMINATION AND REVIEW

The Board of Education will ensure that the community, faculty, students, staff and parents are aware of the Code of Conduct.

- Copies of a summary of the Code of Conduct are to be provided to all students at the beginning of each school year at a general assembly.

- Copies of the Code of Conduct are to be available to parents at the start of the school year.
- A summary of the Code of Conduct “in plain language” is to be mailed to all parents before the beginning of the school year.
- All teachers and staff are to receive a copy of the Code of Conduct after its adoption and any revisions.
- All new employees are to receive a Copy of the Code of Conduct when first hired.

Further, the Board of Education will require review, provide in-service training of faculty and staff and communicate to constituents about the Code of Conduct.

- Review the Code of Conduct annually.
- Sponsor an in-service education program for all faculty and staff members to ensure the implementation of the Code of Conduct.
- Hold at least one public hearing before approving an updated or revised Code of Conduct;
- Post its Code of Conduct and any amendments to it on the district’s website within 30 days of adoption.

XV. DISCIPLINE CODE: PROHIBITED STUDENT CONDUCT & RANGE OF PENALTIES

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, school personnel and other members of the school community and for the care of school facilities and equipment.

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 disciplinary code that follows provides examples of prohibited conduct and the range of possible disciplinary penalties.

Kindergarten – Grade 6: Level 1

The following are examples of Level 1 Infractions:

<u>Infractions — Insubordinate Behaviors</u>	<u>Range of Possible Disciplinary Responses</u>
Unexcused absence from school Being late for school Bringing prohibited equipment or material to school without authorization Failing to be in one's assigned place on school premises Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway) Engaging in verbally rude or disrespectful behavior Violating the District Dress Code Posting or distributing material on school premises in violation of written Board of Education policy and/or school rules Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission	School staff will speak to student Student/teacher conference Reprimand by appropriate supervisor (e.g., assistant principal, principal) Parent conference Removal or covering item that violates dress code In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime)

Kindergarten – Grade 6: Level 2

The following are examples of Level 2 Infractions:

<u>Infractions — Disorderly Disruptive Behaviors</u>	<u>Range of Possible Disciplinary Responses</u>
<p>All Smoking and/or possession of matches or lighters</p> <p>Gambling</p> <p>Using profane, obscene, vulgar, lewd or abusive language or gestures</p> <p>Lying to, giving false information to, and/or misleading school personnel</p> <p>Misusing property belonging to others</p> <p>Engaging in behavior on the school bus which creates a substantial risk of or results in injury</p> <p>Leaving class or school premises without permission of supervising school personnel</p> <p>Engaging in inappropriate or unwanted physical contact</p> <p>Violating the District's Internet Use Policy</p> <p>Engaging in scholastic dishonesty which includes but is not limited to:</p> <ul style="list-style-type: none">a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to	<p>School staff will speak to student</p> <p>Student/teacher conference</p> <p>Reprimand by appropriate supervisor (e.g., assistant principal, principal)</p> <p>Parent conference</p> <p>Suspension from transportation</p> <p>Loss of computer or internet privileges</p> <p>Removal or covering item that violates dress code</p> <p>In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime)</p>

<p>substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)</p> <p>b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source)</p> <p>c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)</p> <p>Engaging in a pattern of persistent Level 1 behavior in the same school year.</p>	<p>Principal's suspension</p>
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Kindergarten – Grade 6: Level 3

The following are examples of Level 3 Infractions:

<u>Infractions — Seriously Disruptive Behavior</u>	<u>Range of Possible Disciplinary Responses</u>
<p>Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents</p>	<p>School staff will speak to student</p>
<p>Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, or disability</p>	<p>Student/teacher conference</p>
<p>Shoving, pushing, or engaging in other similar physical behavior (e.g., horseplay or other minor altercation), or throwing an object (e.g., chalk) or spitting at another person</p>	<p>Reprimand by appropriate supervisor (e.g., assistant principal, principal)</p>
<p>Knowingly possessing property belonging to another</p>	<p>Parent conference</p>

without authorization	
Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means	Suspension from transportation
Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs)	Loss of computer or internet privileges
Engaging in behavior on the school bus which creates a substantial risk of or results in injury	Removal or covering item that violates dress code
Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others	In-school disciplinary actions (e.g., exclusion from extra-curricular activities, recess or communal lunchtime)
Posting or distributing libelous material or literature (including posting such material on the Internet)	Removal from classroom by teacher
Engaging in a pattern of persistent Level 2 behavior in the same school year	Principal's suspension Superintendent's suspension for five days or more

Kindergarten – Grade 6: Level 4

The following are examples of Level 4 Infractions:

<u>Infractions — Dangerous or Violent Behaviors</u>	<u>Range of Possible Disciplinary Responses</u>
Posting or distributing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff	Parent conference In-school disciplinary actions (e.g., exclusion from

<p>Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury</p> <p>Engaging in an act of coercion or threatening violence, injury or harm to another or others</p> <p>Engaging in behavior on the school bus which creates a substantial risk of or results in injury</p> <p>Violating the District Bullying Policy (including engaging in cyberbullying)</p> <p>Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p>Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol</p> <p>Taking or attempting to take property belonging to another without authorization</p> <p>Falsely activating a fire alarm or other disaster alarm</p> <p>Making a bomb threat</p> <p>Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, or umbrella)</p> <p>Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, or umbrella)</p> <p>Starting a fire</p>	<p>extracurricular activities, recess or communal lunchtime)</p> <p>Suspension from transportation</p> <p>Removal from classroom by teacher</p> <p>Principal's suspension</p> <p>Superintendent's suspension for five or more days</p>
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<p>Inciting/causing a riot</p> <p>Possessing or selling any weapon</p> <p>Using controlled substances without appropriate authorization, or using illegal drugs and/or alcohol</p> <p>Engaging in a pattern of persistent Level 3 behavior in the same school year</p>	
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Kindergarten – Grade 6: Level 5

The following are examples of Level 5 Infractions:

<u>Infractions — Seriously Dangerous or Violent Behavior</u>	<u>Range of Possible Disciplinary Responses</u>
<p>Threatening to use or using force to take or attempt to take property belonging to another</p> <p>Using force against, or inflicting or attempting to inflict serious injury against school personnel, school safety agents, students or others</p> <p>Planning, instigating, or participating with another or others, in an incident of group violence</p> <p>Engaging in threatening, dangerous or violent behavior that is gang-related</p> <p>Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity</p> <p>Possession, use, sale or distribution of illegal drugs, controlled substances, or alcohol</p>	<p>Continuation of Level 4 consequences</p> <p>Principal's Suspension</p> <p>Superintendent's suspension</p> <p>Exclusion from school</p>

Possession, use or threatened use of a weapon	
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Grade 7 – Grade 12: Level 1

The following are examples of Level 1 Infractions:

<u>Infractions — Insubordinate Behaviors</u>	<u>Range of Possible Disciplinary Responses</u>
Unexcused absence from school	School staff will speak to student
Cutting classes (reporting to school and failing to attend one or more programmed classes)	Student/teacher conference
Being late for school or class	Reprimand by appropriate supervisor (e.g., assistant principal, principal)
Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)	Parent conference
Failing to be in one's assigned place on school premises	In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)	Removal from classroom
Engaging in verbally rude or disrespectful behavior	Removal, replacement or covering of an items that violates the Dress Code
Violating District Dress Code	Confiscation of prohibited equipment or materials
Posting or distributing material on school premises in violation of District or School Policy	
Failing to provide school officials with required identification	
Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission	

Grade 7 – Grade 12: Level 2

The following are examples of Level 2 Infractions:

<u>Infractions — Disorderly Disruptive Behaviors</u>	<u>Range of Possible Disciplinary Responses</u>
Smoking and/or possession of matches or lighters	
Gambling	School staff will speak to student
Using profane, obscene, vulgar, lewd, or abusive language or gestures	Student/teacher conference
Lying to, giving false information to, and/or misleading school personnel	Reprimand by appropriate supervisor (e.g., assistant principal, principal)
Misusing property belonging to others	Parent conference
Engaging in or causing disruptive behavior on the school bus	In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
Engaging in a pattern of persistent Level 1 behavior in the same school year	Removal from classroom by teacher
Violating District Internet Use	Suspension from transportation
	Principal's suspension

Grade 7 – Grade 12: Level 3

The following are examples of Level 3 Infractions:

<u>Infractions — Seriously Disruptive Behavior</u>	<u>Range of Possible Disciplinary Responses</u>
Leaving class or school premises without permission of supervising school personnel	School staff will speak to student
Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents	Student/teacher conference
Entering or attempting to enter a school building without authorization	Reprimand by appropriate supervisor (e.g., assistant principal, principal)
Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, or disability	Parent conference
Shoving, pushing, or engaging in other similar physical behavior (e.g., horseplay or other minor altercation), or throwing an object (e.g., chalk), or spitting at another person	In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs)	Removal from classroom by teacher
Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means	Loss of computer or Internet privileges
Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others	Principal's suspension Superintendent's suspension

Knowingly possessing property belonging to another without authorization	
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Engaging in sexual conduct on school premises or at school-related functions	
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Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations)

Engaging in scholastic dishonesty which includes but is not limited to:

- a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
- b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g. copying written work from the Internet, or any other source)
- c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

Posting or distributing libelous material or literature (including posting such material on the Internet)

Engaging in a pattern of persistent Level 2 behavior in the same school year

Grade 7 – Grade 12: Level 4

The following are examples of Level 4 Infractions:

<u>Infractions — Dangerous or Violent Behavior</u>	<u>Range of Possible Disciplinary Responses</u>
<p>Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p>Posting or distributing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet</p> <p>Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury</p> <p>Engaging in an act of coercion or threatening violence, injury or harm to another or others</p> <p>Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury</p> <p>Violating the District Bullying Policy</p> <p>Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol</p> <p>Falsely activating a fire alarm or other disaster alarm</p>	<p>Parent conference</p> <p>In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)</p> <p>Removal from classroom by teacher</p> <p>Principal's suspension</p> <p>Suspension of transportation</p> <p>Superintendent's suspension</p>

<p>Taking or attempting to take property belonging to another without authorization</p> <p>Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, or umbrella)</p> <p>Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, or umbrella)</p> <p>Starting a fire</p> <p>Inciting/causing a riot</p> <p>Possessing or selling any weapon</p> <p>Making a bomb threat</p> <p>Using controlled substances without appropriate authorization, or using illegal drugs and/or alcohol</p> <p>Engaging in a pattern of persistent Level 3 behavior in the same school year</p>	
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Grade 7 – Grade 12: Level 5

The following are examples of Level 5 Infractions:

<p><u>Infractions — Seriously Dangerous or Violent Behavior</u></p> <p>Threatening to use or using force to take or attempt to take property belonging to another</p>	<p><u>Range of Possible Disciplinary Responses to Be Used in Addition to Guidance</u></p>
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Using force against, or inflicting or attempting to inflict serious injury against school personnel, school safety agents, students or others

Planning, instigating, or participating with another or others, in an incident of group violence

Engaging in threatening, dangerous or violent behavior that is gang-related

Engaging in physical sexual aggression/compelling or forcing another, to engage in sexual activity

Possession, use, sale or distribution of illegal drugs, controlled substances, or alcohol

Possession, use or threatened use of a weapon

Interventions

Continuation of Level 4 consequences

Principal's suspension

Superintendent's suspension

Exclusion from school

