

Perry Central School

Code of Conduct

I. Introduction

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

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

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

II. Definitions

For purposes of this Code, the following definitions apply.

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

Disruptive student means an elementary, junior or senior high school 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.

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

Harassment means the creation of a hostile environment by conduct, threats, intimidation, or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and nonverbal actions.

National Origin means a person's country of birth or ancestor's country of birth.

Parent means parent, guardian or person in parental relation to a student.

Race means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

Religion means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

Religious Practice means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying

religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

School Bus means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

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

School function means any school-sponsored extra-curricular event or activity.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Violent student means 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.

Visitor any other person on school property.

Weapons: means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;

- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a sling shot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shiriken;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition; or
- xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

III. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not include brief garments such as tube tops, halter tops, plunging necklines (front and/or back) and see-through garments.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats/headgear except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, weight, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

IV. Prohibited Student Conduct

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Rules of Conduct:

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

1. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
 - Running in hallways.
 - Making unreasonable noise.
 - Using language or gestures that are profane, lewd, vulgar or abusive.
 - Obstructing vehicular or pedestrian traffic.
 - Engaging in any willful act which disrupts the normal operation of the school community.
 - 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.
 - 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.
- Use or possession of any nuisance items that are disruptive to the educational environment.
2. Engage in conduct that is insubordinate or disruptive. Examples of insubordinate or disruptive conduct include but are not limited to:
 - Failing to comply with the reasonable directions of teachers, school administrators or other school employees or otherwise demonstrating disrespect.
 - Lateness for, missing or leaving school without permission.
 - Skipping detention or any other assigned discipline action.
 3. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
 - Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - Public displays of affection such as kissing, necking, embracing, cuddling, etc.
 4. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
 - Committing an act of violence (physical or verbal) upon a student, teacher, administrator or other school employee or any person lawfully on school property or attempting to do so.
 - Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. *The only exception to this rule is student participation on the District's Trap Club team. Participating students will abide by the rules of the Perry Central School District Trap Club team and the New York State High School Clay Target League. In conjunction with such rules, no participating student may possess a firearm in a personal vehicle on school property.
 - Displaying what appears to be a weapon.
 - Threatening to use any weapon.
 - Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
 - Intentionally damaging or destroying School District property.
 - Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
 - Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a

threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

5. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
- Lying to school personnel (including forgery).
 - Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 - Defamation, which includes making false or unprivileged 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
 - Discrimination, which includes the use of race, color, creed, weight, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
 - Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
 - Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 - Bullying as described in Board Policy 7550.
 - 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, and as described in Board Policy 7550.
 - "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
 - Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
 - Selling, using or possessing obscene material.
 - Using vulgar or abusive language, cursing or swearing.
 - Possession or use of a cigarette, cigar, pipe, electronic cigarette, personal vaporizer or electronic nicotine delivery system or using chewing or smokeless tobacco products.
 - Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, other performance

enhancing substances, look-alike drugs, and any substances commonly referred to as “designer drugs” or any drug paraphernalia.

- Inappropriately using or sharing prescription and over-the-counter drugs.
 - Gambling.
 - Indecent exposure, that is, exposure to sight of the private parts of the body.
 - Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, AED, or discharging a fire extinguisher.
 - Possessing incendiary devices (lighters, matches, flammable liquids, etc.).
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.
7. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
- Plagiarism.
 - Cheating.
 - Copying.
 - Altering records.
 - Assisting another student in any of the above actions.
8. 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.
- Sending or forwarding sexually explicit or inappropriate photos, videos or messages from a mobile phone, computer or other electronic device is prohibited.
 - Engaging in bullying, cyberbullying or harassment that happen on-line such as e-mail, text message, an online game or comments on a social networking site are prohibited.
 - Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; evading the district's content filter; using an outside wireless network; or any other violation of the District’s acceptable use policy.
 - Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
 - Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

V. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

- Elementary School -

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7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

VI. Disciplinary Penalties

Procedures and Referrals

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

A. PENALTIES

Students who are found to have violated the District's Code may be subject to the following penalties, either alone or in combination, consistent with the student's right to due process.

- Oral or written warning
- Written/Phone notification to parent
- Parent Conferences
- Detention
- Alternative Detention
- Community Service
- Confiscation of Inappropriate items
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- In-school suspension
- Removal from classroom by teacher*
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school

(*Removal of a student from the classroom, by a teacher, is a disciplinary option made available to districts by a recent change to the New York State Education Law.)

Minimum Period of Suspension

Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto the school property will be subject to suspension from school in accordance with New York State Education Law.

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

Students who commit violent acts

Any student, other than a student with a disability, who is found to have committed a violent act shall be subject to suspension from school for at least five days.

The superintendent has the authority to modify the minimum five-day suspension on a case-by case basis.

Any student, other than a student with a disability, who repeatedly is 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 days. For purposes of this Code, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) or four or more occasions during a semester. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.

VII. Discipline of Students with Disabilities

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

This Code affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

VIII. VISITORS TO THE SCHOOLS

All visitors to the school must report to the office of the principal upon arrival at the school. They will be required to sign the visitors’ 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 principal’s office before leaving the building. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

IX. Public Conduct on School Property

For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in the Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code 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 attired for the purpose they are on school property.

Prohibited Conduct

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange, alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- Use tobacco products, such as cigarettes, chewing tobacco, electronic cigarette, personal vaporizer or electronic nicotine delivery system, lighters, matches, etc. anywhere in the school building or on school property.
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District. *The only exception to this rule is student participation on the District's Trap Club team. Participating students will abide by the rules of the Perry Central School District Trap Club team and the New York State High School Clay Target League. In conjunction with such rules, no participating student may possess a firearm in a personal vehicle on school property.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

Penalties

Persons who violate this Code shall be subject to the following penalties:

- Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection by local authorities.
- Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

- Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- Staff members other than those described above. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.