

**2022-2023**  
***Gardner - Dickinson School***  
***Wynantskill Union Free School District***

***A Code of Conduct***  
***For Staff - Students - Parents***  
***Visitors - Community Members***

The Board of Education of the Wynantskill Union Free School District declares its full concurrence with and support for the principles and provisions of this Code of Conduct for the Gardner-Dickinson School. Further, the Board pledges its full support to the administration, teachers and staff of the School District in their fair and consistent enforcement of the Code.

**Code of Conduct Review Committee**

A Committee comprised of administrators, staff, and parents will review the Code of Conduct on a yearly basis. This committee will work to review and possibly revise the Code. The task of the committee is to continue to work toward meeting the mission of Gardner-Dickinson School.

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## **I. Introduction**

The Wynantskill Union Free School District's 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.

## **II. Definitions**

For purposes of this code, the following definitions apply:

"Disruptive student" means any Gardner-Dickinson student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Parent" means parent, guardian or person in parental relation 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 Vehicle and Traffic Law §142.

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

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Violent student" means any Gardner-Dickinson student who:

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

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### **III. Essential Partners**

**A. Parents** - All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school functionally ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Tell school officials about any concerns or complaints in a respectful and timely manner.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are complete.

14. Be respectful and courteous to staff, other parents/guardians and students while on school premises.

**B. Teachers** - All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline and consequences plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. Be open to active participation in resolving conflicts through conversation and/or mediation.

**C. School Counselor** - School Counselor is expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.

7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.
12. Be open to active participation in resolving conflicts through conversation and/or mediation.

**D. Other School Personnel** - Other School Personnel is expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.
8. Promptly report to the building principal building incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the school personnel.
9. Be open to active participation in resolving conflicts through conversation and/or mediation.

**E. Principal** - Principal is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and have access to the principal for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or

safety of any student, school employee, or any person who is lawfully on school property or at a school function.

10. Address personal biases that may prevent equal treatment of all students and staff.
11. Be open to active participation in resolving conflicts through conversation and/or mediation.

**F. Superintendent** - Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, height, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with Principal the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with Principal in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Be open to active participation in resolving conflicts through conversation and/or mediation.

**G. Board of Education** - Board of Education is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. 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.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

9. Be open to active participation in resolving conflicts through conversation and/or mediation.

#### **IV. Visitors to the School and Community Members**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board encourages parents and other district citizens to visit the school and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school.

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the main office upon arrival at the school. **Photo identification will be required.** 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.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), and **Building Principal**, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
8. All visitors must refrain from using alcohol, illegal drugs and e-cigarette or tobacco products on school grounds.

#### **V. Prohibited Conduct of Staff, Students, and School Support Personnel**

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

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
5. 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.

6. 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.
7. Intimidate, harass or discriminate against any person on the basis of actual or perceived race *includes traits associated with race, such as hair texture and protective hairstyle*, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
8. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed without prior approval of the building principal.
9. Obstruct the free movement of any person legitimately present in any place to which this code applies.
10. Violate the traffic laws, parking regulations or other restrictions on vehicles.
11. Use vulgar or abusive language, cursing or swearing.
12. Use, possess, consume, sell, distribute or exchange alcoholic beverages, tobacco, (including e-cigarette products) *smoking, vaping, or otherwise consuming cannabis*, controlled substances, or be under the influence of either on school property or at a school function. 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.
13. Loiter on or about school property.
14. Gamble on school property or at school functions.
15. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
18. Willfully incite others to commit any of the acts prohibited by this code.
19. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## **VI. Student Rights and Responsibilities**

### **A. Student Rights**

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly, civil, and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability.
2. To be respected as an individual and treated fairly and with dignity by other students and school

staff.

3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose discipline and consequences.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:
  - a. Course objectives, requirements, and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

## **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. To be truthful when speaking to school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## VII. Public Conduct on School Property

The district is committed to providing a safe, orderly and respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons 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 this 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.

### A. Prohibited Conduct

No person, either alone or with others, may:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. 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.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. 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.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. 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.

11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).

## **B. Consequences**

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

1. 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.
2. Students - They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements of Education Law and NYCRR.
3. Instructional staff members -They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law and NYCRR.
4. Staff members in the classified service of the civil service are entitled to the Protection of Civil Service Laws §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.
5. Other staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The building principal and/or staff member shall be initially responsible for enforcing the conduct required by this code.

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

## VIII. Behavior Expectations - Grades PreK - 8

### A. Behavior Expectations and Discipline Regulations

We all recognize that students, faculty, staff and parents must work together to ensure a safe, respectful and cooperative atmosphere in order to provide the best learning environment possible. Our basic philosophy encourages each student to become more responsible for his/her own actions and to accept the consequences resulting from those actions. The essence of effective school discipline is cooperation, respect and courtesy. Parents are urged to join this effort by carefully reviewing these rules for good behavior with your child(ren).

### B. General Rules

1. Students will not engage in disruptive behavior.
2. Students will show respect to staff and to one another through language and/or actions.
3. Students will come to class on time with required materials.
4. Students will refrain from selling/small franchising outside of class projects.
5. Students will refrain from chewing gum or wearing coats inside the building. Students will refrain from wearing hats during class and other instructional times.
6. Students will not be in the building before or after school hours without being supervised.
7. Students are prohibited from possessing weapons or perceived weapons of any kind while on school property.


### C. Discipline Regulations

1. Student behavioral incidents are first handled by the staff member who is in direct control of the situation.
2. Follow-up action to all behavioral problems includes one or more of the following interventions:
  - a. Counsel student
  - b. Loss of privileges (i.e., stay in at lunch time, no free time)
  - c. Peer mediation
  - d. Student writing a note to parent explaining behavior
  - e. Consequences to fit infraction (i.e., if you write on desk, you clean the desk; if you make a mess in the cafeteria, you clean up the mess; if you tear a book, you repair or replace the book, etc.)
  - f. Individual parent conferences
  - g. Parent/teacher/administrator conference
  - h. Referral to Child Study Team
  - i. School counselor/teacher/student conference
  - j. Ask student to explain behavior
  - k. Verbal warning
  - l. Permanently change seat
  - m. Class apology
  - n. Call home

- o. Communication with parent
  - p. Completion of behavior contract
3. When a teacher's efforts to resolve the behavioral problem have proven unsuccessful or a behavior contract proves to be ineffective, one or more of the following may occur:
    - a. A written behavioral referral submitted to the principal by the teacher indicating actions already taken and who the teacher has requested assistance from: school counselor, social worker, school psychologist, and nursing staff.
    - b. Conference with parent to seek help and support.
    - c. Administrative intervention with consequences keyed to infractions listed on the following pages.
  4. In cases where a student has a record of disruptive and inappropriate behavior, or it is deemed necessary by the administration, one or more of the following may occur:
    - a. Extended suspension from school and all school related activities.
    - b. Legal/court assistance in the form of a PINS (Person in Need of Supervision) petition.
    - c. A Superintendent's hearing.
    - d. Exclusion of the student from extra-curricular activities and/or school sponsored field trips and other events (i.e., assembly program, sports competitions, dances, concerts, etc.).

#### **D. Range of Consequences:**

- An individual conference with the teacher or building principal with the student for the purpose of identifying the misbehavior and developing a plan for correction.
- A disciplinary action appropriate to the misbehavior determined on a case-by-case basis.
- A telephone call to the parent(s) by the teacher or administration.
- A temporary removal from class/school by administration.
- A conference with the parent(s) at school with the teacher or building principal.
- A loss of student privileges.
- A correct action plan developed may involve support personnel such as school counselor, school psychologist, etc., in developing plans for correction.
- A Superintendent's hearing/PINS referral.
- Notification to local authorities/police.
- detention
- In-School Suspension
- Out of School Suspension

Behavior	Level of Consequence		
	Level I	Level II	Level III
Not listening to and/or not following teacher directions	X		
Not following classroom rules	X		
Disruptive behavior in the hallway	X	X	
Engaging in a physical manner with another person: pushing, shoving, tripping, hands on	X	X	
Vandalism: damaging school or another person's property		X	X
Taking another person's property		X	
Swearing, use of profane language		X	
Insubordination/Defiance/Disrespect of Staff Member		X	
Lying	X		
Cheating	X		
Plagiarism		X	
Verbal harrassment towards another: teasing, name calling	X	X	
Littering in school or on school grounds	X		
Violating school dress code	X	X	
Selling items/solicitation/franchising		X	
Harrassment: verbal, physical, sexual, racial		X	X
Threatening another with physical harm		X	X
Disrupting the learning environment	X	X	
Use of cell phone/electronic device	X	X	
Misuse of computer/technology  Student & Parent Computer Agreeeme...	X	X	X

Not following cafeteria rules/expectations: <ul style="list-style-type: none"> <li>● <i>To remain seated unless given permission to leave</i></li> <li>● <i>To not throw food or anything else.</i></li> <li>● <i>To eat with good table manners and talk quietly</i></li> <li>● <i>To move through the lunch line in an orderly fashion</i></li> <li>● <i>To clean up table area when finished eating</i></li> <li>● <i>To keep all food in the cafeteria</i></li> <li>● <i>Keep hands and feet to selves and food on table</i></li> <li>● <i>To eat only food bought / brought by them, and not share / trade food</i></li> </ul>	X	X	
Disrupt an assembly/program	X	X	
Not following recess/playground rules/expectations: <ul style="list-style-type: none"> <li>● <i>Share playground properly</i></li> <li>● <i>Use equipment properly and safely</i></li> <li>● <i>Not interfere in the games of others</i></li> <li>● <i>Listen to and follow recess monitor directions</i></li> </ul>	X	X	
Not following bus rules/expectations: <ul style="list-style-type: none"> <li>● <i>Listen to and follow the bus driver's directions</i></li> <li>● <i>Remain seated while the bus is in motion</i></li> </ul>	X	X	
Disruption during fire drill/lockdown		X	X
Skipping Class		X	
Tardiness		X	
Loitering		X	
Gambling		X	
Tobacco/e-cigarette/vaping possession and/or use		X	
Drug possession and/or use			X
Fighting		X	X
Possession and/or use of			X



fireworks/explosives			
Leaving school property		X	X
Pulling fire alarm			X
Threat of harm to school i.e. bomb threat			X
Possession of a firearm/weapon			X

"Firearm" is defined as a weapon which will or is designed to or may be converted to expel a projectile. Firearms may include, but are not restricted to, guns, B.B. guns, pellet guns, starter pistols, slingshots, the frame or receiver of such weapons, and any firearm muffler or firearm silencer. "Weapon" is defined as a knife, club, bat, or any object that could be used to cause harm to another person. "Destructive device" means any explosive, incendiary or poison gas, bomb, grenade. Or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one ounce, a mine or device similar to any of the devices described. The code also includes devices which simulate the appearance of destructive or harmful devices.

## Consequences for Infractions

	First Offense	Second Offense	Third Offense	Fourth Offense
Level I	Warning with documentation	Written referral Parent contact	Meet with principal Parent contact	Detention/Time in office Parent contact
Level II	Written referral Parent contact	Detention Parent Contact	Detention/ In-School-Suspension Parent contact	In-School and/or Out-of-School Suspension Parent meeting
Level III	In-School Suspension Parent Meeting	In-School-Suspension and/or Out-Of-School Suspension Parent Meeting	Out-Of-School Suspension Parent Meeting	referral to PINS * or other penalty determined by administration

\*PINS -Person in need of supervision petitioning at County Court

The Gardner -Dickinson School Discipline Code is in compliance with all laws relating to students with disabilities under in Individuals with Disabilities Act (IDEA).

**Level I Infractions** refer to infractions which are minor and may be handled by the teacher in the classroom.

**Level II Infractions** refer to infractions which interfere with the orderly school environment and/or impinge upon the rights of each individual student to gain an education. The consequences are weighted as the number of offenses increases. Although every effort is made to handle these infractions within the school, there may be times when a parent is called to remove the student from school.

**Level III Infractions** refer to those infractions for which the consequences may be EXTERNAL SUSPENSION or EXCLUSION FROM SCHOOL. These infractions are in direct disregard of Board of Education policies, federal, state and municipal laws.

## **X. Students 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. Halter tops, crop tops, short shirts, short skirts, and "short shorts" are not appropriate to wear within the school building. Any undergarments showing are not appropriate, for the workplace or school. Dress that is so distracting as to interfere with the learning process may be prohibited. Hats and other types of non-religious headgear are not allowed. Clothing advertising alcohol, tobacco or drug use will not be allowed. Beads, bandanas, etc. that may be used to identify an association are also prohibited. In all respects, students must comply with the dress requirements established within Section V hereof.

## **XI. Disciplinary Actions**

### **In-School Suspension:**

In-School-Suspension (ISS) is a supervised study time from the start of the school day until the end of the school day. Students assigned to In-School-Suspension are suspended from all extra activities, such as, but not limited to, athletic practices and contests, concerts, dances, clubs, for the entire day of suspension. Students assigned to ISS are required to sign an agreement acknowledging the rules and expectations for their behavior. If a student refuses to attend ISS the student is suspended out of school. Upon the student's return, the student must serve his/her assigned days in a specific designated area.

The Board recognizes 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 Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "In-School-Suspension." The in-school suspension teacher will be a certified teacher or administrator.

A student subjected to an In-School-Suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the consequence involved.

### **Out of School Suspension:**

Out-of-School-Suspension (OSS) is employed when other consequences have been unsuccessful or if the student has engaged in actions, which endanger the health and safety of themselves or others. Tutoring is available by the district. Students assigned to Out of School Suspension are suspended from all extra activities, i.e., athletic practices and contests, concerts, dances, clubs, etc., for the entire length of suspension. A parent meeting is required prior to the student re-entering the classroom.

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

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

The notice will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference will be in the dominant language or mode of communication used by the parents. At the conference, the parents will be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

*NOTE: The paragraph that follows addresses the right to appeal the decision to suspend. As a result of a recent Commissioner's decision, Appeal of M.T., 48 Educ. Dept. Rep. 263, No.15,854, dated December 12, 2008, NYSSBA has extended the time frame for appeals of suspensions. Although Education Law and Commissioner's Regulations do not specify a time frame, NYSSBA believes that districts put themselves at risk if they offer too short of a period of time for parents/students to appeal based upon the above referenced decision and discussions with SED's Office of Counsel. Therefore, we changed the time from 5 business days to ten business days in the case of the short term suspension. In the case of a long-term suspension, we suggest 30 days. The Board may choose a different number of days, but should do so in consultation with their school attorney. It is also important to include the "extraordinary circumstances" clause, which NYSSBA's prior sample did include, but some districts may not have adopted.*

After the conference, the Principal will promptly advise the parents in writing of the decision. The Principal will advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education

with the District Clerk within 10 business days 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 of Education within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, they must give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

The Superintendent will personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which 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 thirty (30) days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

**Principal's Conference:**

This conference is indicated in the Code of Conduct as a requirement for a student's readmission to school and is scheduled at the discretion of administration in response to serious or repeated infractions of the Code of Conduct. At minimum, this conference will include the Building Principal, the student, teacher, and the student's parent or guardian. This conference will conclude with clearly communicated expectations, which the student will be expected to follow.

**Superintendent's Hearing:**

When all other interventions, (see Discipline Regulation Section C) have failed to produce a positive behavior change or when a specific behavior seriously interferes with the educational process or safety of the building, the Building Principal may request the Superintendent to schedule a Superintendent's Hearing. This hearing may result in a student's long term suspension from school.

**PINS Petitions:**

The District may file a PINS (person in need of supervision) Petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

1. Being habitually tardy and not attending school as required by one of Article 65 of the Education Law.
2. Being ungovernable, or habitually disobedient and beyond the lawful control of the school.
3. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee);
4. Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

**Counseling Services**

Students may be referred to Gardner-Dickinson School's school counselor, social worker, or school psychologist for assistance or evaluation. Students may also be referred to outside agencies.