

GOSHEN CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

PLAIN LANGUAGE SUMMARY

The Safe School Against Violence in Education [SAVE] Act and Section 100.2[1] of the Regulations of the Commissioner of Education require that the District adopt a written policy on school conduct and discipline "designed to promote responsible student behavior". The following is a plain language summary of the Code of Conduct. A copy of the complete Code of Conduct document is available on the Goshen Central School District Web Site <http://www.goshenschoolsny.org/Forms> and at every school's main office. The Code of Conduct applies to all students, school personnel, parents and other visitors when on school property or attending any school function. If there is a conflict between this plain language summary and the District's Code of Conduct, the provisions of the District Code of Conduct shall always prevail.

INTRODUCTION

The District believes the order and discipline must be a shared responsibility between school, home and community. The Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other board approved school personnel.

The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. The parent/guardian is expected to assume primary responsibility for his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and emotional growth. To this end, a high degree of parent-school communication will be fostered by the school.

SELECTED DEFINITIONS

Please refer to pages 4-6 of the Code of Conduct for all definitions.

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

School Function - any school sponsored extra-curricular, co-curricular or other event or activity, whether on or off of school property

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.

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality

Gender means actual or perceived sex and includes a person's gender identity or expression

Sex means the biological and physiological characteristics that define men and women.

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being; or 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 safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC § 921) [any firearm, including a starter gun, which will or is designed to be or may readily be converted to expel a projectile by the action

of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electric dart gun, Kung Fu star, electric 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.

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.

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

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

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

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.

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.

Violent Student - a student under the age of 21 whom:

- 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.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility.

It is the student's right:

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.

It is the student's responsibility:

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.

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| 5) To dress in such a way as to express one's personality. | → To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting. |
| 6) To be afforded equal and appropriate educational opportunities. | → To be aware of available educational programs in order to use and develop one's capabilities to their maximum. |
| 7) To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability. | → To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others. |
| 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. | → To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate. |
| 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. | → To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination. |

ESSENTIAL PARTNERS

Parents, teachers, guidance counselors, student support service personnel, other school staff, building administrators, the Superintendent and the Board of Education are all essential partners to promote a safe, orderly and disciplined school environment supporting active teaching and learning. **All are expected to know school rules and to help students understand them in order to maintain a safe, orderly environment in accordance with the District Code of Conduct.**

For a full discussion of the expectations, roles and responsibilities of each group identified above, please see pages 9-13 of the District Code of Conduct.

STUDENT DRESS CODE (For full discussion, please see page 14 of the Code of Conduct)

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

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. Not include items that are vulgar, obscene, libelous, or denigrate other because of race, color, weight, religion, religious practice, , national origin, ethnic group, gender/sex, sexual orientation or disability.
4. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs, and/or encourage other illegal or violent activities.

Wearing of hats will be in accordance with the student's building level code of conduct.

PROHIBITED STUDENT CONDUCT (Refer to pages 15-20 of the Code of Conduct)

The Board recognizes the need to make expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct, the student code of conduct and discipline shall be uniformly enforced. Students who violate these school rules will be required to accept penalties for their conduct.

- 1. Engaging in Disorderly Conduct:** Examples include, but are not limited to
 - Fighting, threatening another with bodily harm; Bullying,
 - Vandalism or any destruction of real and/or personal property (including graffiti or arson), willfully damages or removes district property, Theft;
 - Tardiness; Missing or leaving school without permission;
 - Possession/use/sale/distribution/exchanging or being under the influence of drugs or alcohol; inappropriately using or sharing prescription or over-the-counter drugs or any synthetic drugs.
 - Possession of weapons or fireworks;
 - Possession/use/sale/distribution of tobacco or tobacco products;
 - Hazing;
 - Behavior or dress that disrupts the educational process;
 - Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others;
 - Misusing computer/electronic communications devices.
 - Unauthorized use of personal electronic devices/equipment/computer/tablets, etc.

- 2. Engage in Conduct that is Insubordinate** - Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of the student, or missing or leaving school without permission;

- 3. Engages in Academic Misconduct.** Examples include, but not limited to,
 - Plagiarism; Cheating; and/or Altering records;
 - Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications;
 - Violation of the District Acceptable Use Policy for technology;
 - Assisting another student in any of the above actions

- 4. Engages in Trespassing**
 - A student is not permitted in any school building, other than the one that he/she regularly attends, without permission from the administrator in charge of the building.
 - Missing or leaving school or class without permission

- 5. Engages in Conduct that is Violent.** Examples include, but are not limited to:
 - Willfully injures any person or threatens to do so; Committing, threatening or attempting an act of violence upon any person lawfully on school 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;
 - Possesses or uses firearm or other weapon; Displaying what appears to be a weapon; Threatening to use any weapon(s); Using weapon(s);
 - Intentionally damaging or destroying property belonging to someone else.
 - Communication by any means where the content of such communication can reasonably be interpreted as a threat to commit an act of violence on school property; or, results in material or substantial disruption to the educational environment.

6. Engage in Conduct that is Disruptive. Examples include, but are not limited to:

- Disrupts the orderly conduct of classes, school programs or other school activities;
- Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrating disrespect;
- Distributes or wears materials in violation of the District dress code.
- Intimidates, harasses, or discriminates against any person on the basis of race, creed, ethnic group, national origin, religion, religious practice, sex/gender, sexual orientation, age, or disability;
- Obstructs the free movement of any person in any place to which these rules apply;
- Willfully incites others to commit any acts herein prohibited, and/or
- Violates any federal or state statute, local ordinance, or Board policy.

7. 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, deceiving or giving false information to school personnel;
- Stealing the property of someone else.
- Making false statements or representations about an individual or identifiable group of individuals.
- Discrimination.
- Harassment.
- "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;
- Sexual harassment.
- Displaying signs of gang affiliation or engaging in gang-related behaviors.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
- Selling, using, possessing or distributing obscene material; Engaging in lewd or obscene behavior

8. Computer and Internet Use

The following prohibited use of district technology, including but not limited to computer drives, network facilities, the Internet and Internet links, may give rise to disciplinary action against users of such equipment and/or facilities:

- a. E-mail or other electronic or digital communication or mobile communication (e.g., text messages) originating from the school premises or received at the school premises or school event or activity or which affects the operation of the school or a school event or activity that a student user creates that: is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages; conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals; constitutes a state and/or federal crime; is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s); attributes the text of e-mail or other electronic, digital or mobile communication to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
- b. Technology and/or Internet use that circumvents access restrictions placed upon the district's technology and computer systems by the Board of Education or its administrative designee(s).
- c. Technology and/or Internet use that is not school related or is unauthorized.
- d. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.
- e. E-mails or other electronic, digital or mobile communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to or harasses or bullies a specific individual or individuals or the school district may give rise to disciplinary action against such student. Local law enforcement agencies will be contacted as appropriate.

9. Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner (e.g., inappropriate behavior) which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

10. 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, fighting, harassment, and discrimination will not be tolerated.

11. Off-Campus Misconduct

A student may be subject to discipline for criminal conduct which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupt operation of the school) or constitute an endangerment to the safety of themselves or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educational process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

DISCIPLINARY PROCEDURES AND PENALTIES

Discipline for violations of the student code of conduct shall be dependent upon the nature of the violation and shall be progressive. This means that as a general rule, a student's first violation shall normally merit a lighter penalty than subsequent violations. 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.

Procedures

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate 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 a verbal warning, written warning, written notification to their parents or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained in detail in the District Code of Conduct (Refer to District Code of Conduct for full description and explanation)

MINIMUM PERIODS OF SUSPENSION

Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year.* Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

The superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days.* If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a 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 minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or

* A student with a disability may be suspended only in accordance with the requirements of state and federal law. Please see the complete Code of Conduct for further explanation.

more occasions during a trimester, will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Discipline of Students with Disabilities

The Board of Education 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 of conduct 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. (Refer to District Code of Conduct for full description and explanation)

DISCIPLINARY MEASURES (i.e. Penalties)

The following shall constitute appropriate disciplinary measures authorized by the Student Code of Conduct:

1. Warnings (oral or written).
2. Detention.
3. In-school suspension.
4. Suspension from school for up to five (5) school days.
5. Suspension from school in excess of five (5) days.
6. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days.
7. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or school function is determined not to be related to his/her disability.
8. Permanent suspension.

THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.

CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).

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

Please refer to Board Policies: #3410; #3411; #3412; #3420; #7110; #7310; #7313; #7320; #7323; #7324; #7350; #7370; #7551; #7552; #7553; and #8272