

# Stillwater Middle/High School

## Code of Conduct 2016-2017

### I. INTRODUCTION

The Stillwater Board of Education 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 Stillwater Central School 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, good character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define the 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.

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

### DIGNITY FOR ALL STUDENTS ACT (Brochure Attached)

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

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

**Cyber bullying** means harassment or bullying as defined under the term harassment (see below) where such harassment or bullying occurs through any form of electronic communication.

**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 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.

**Emotional Harm** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe and pervasive as to unreasonably and substantially interfere with a student's education.

**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

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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]). The socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender.")

- Cisgender – gender identity conforms to sex at birth
- Transgender – gender identity does not conform to sex at birth
- Gender Non Conforming (GNC) – gender expression differs from stereotype – may identify as male, female, combination, neither
- Gender transition – gender expression is aligned socially or physically away from assigned sex at birth

**Harassment** and bullying shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyber bullying, that 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 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. This definition includes acts of harassment or bullying that occur on school property (as defined above); at a school function (as defined above); or off school property where such acts create 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 the school property. Acts of harassment and bullying include but are not limited to non-verbal and 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 (Education Law Section 11[7]).

**Material incident of Harassment, Bullying and/or Discrimination** means a single verified incident or a series of verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of "harassment and bullying" as defined above, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee. Such conduct shall include, but is not limited to 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; provided that nothing in this definition shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sec. 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

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

**Parent** means any 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.

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**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 Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**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 on a school bus (Education Law Section 11[1]).

**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]); the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

### **Violent Student**

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 or to do harm to another.
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.

**Weapons** means a firearm as defined in 18 USC §921 for purposes of the Gun- Free Schools Act (20 USC §8921). 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 cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

## **III. Essential Partners**

### **Parents**

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.

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2. Send their children to school 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 them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves and for others, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identify and expression or sex, which will strengthen their child(rens) confidence and help promote learning in accordance with the Dignity for All Students Act.

### **District Teachers**

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 or religious practice, disability, sexual orientation, gender and gender identity 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. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline issues
6. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
7. Build positive relationships with parents and students.
8. Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the teacher's attention to the building administrator, superintendent and/or Dignity Act Coordinator (DAC) in a timely manner orally within one school day and file a written report with the designated official within two school days of making an oral report.

### **District Counselors**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher /student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain and encourage a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote the confidence to learn.
7. Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator, superintendent and/or Dignity Act Coordinator (DAC) in a

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timely manner orally within one school day and to file a written report with the designated official within two school days after making an oral report.

### **District Administrators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote the confidence to learn.
7. Lead or supervise the thorough investigation of all reports of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the attention of the Principal's or supervisory personnel's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC) or other District designee and ensure that the investigation is completed promptly after receipt of any written report of such conduct.
8. Take prompt actions reasonably calculated to end harassment, bullying and/or discrimination; attempt to eliminate any hostile environment and try to create a more positive school culture and climate.
9. Ensure the safety of student or students against whom harassment, bullying or discrimination was directed.

### **Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Promote an environment free from intimidation, harassment, bullying and discrimination.
7. Be informed of the investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigations are completed promptly after receipt of any written reports.
8. Take prompt actions reasonably calculated to end harassment, bullying and/or discrimination; try to eliminate any hostile environment; and try to create a more positive school culture and climate.
9. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.

### **Board of Education**

1. 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.
2. 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.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator (DAC) in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity

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and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

- a. To eligible for appointment as a Dignity Act Coordinator, the individual must be employed by the District, a BOCES or a charter school, and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor or superintendent of schools. ,
  - b. In the event that a Dignity Act Coordinator vacates their position, designate another eligible employee to immediately act as an interim appointed Coordinator, pending approval of a successor Coordinator by the Board within thirty (30) days of the date that the position was vacated. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to their duties as Coordinator.
5. Designate the school employee(s) charged with receiving reports of harassment, bullying and/or discrimination.

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### IV. STUDENT RIGHTS AND RESPONSIBILITIES

*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.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, or sex.
- 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.
- 9) To be protected from, harassment, bullying and/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.

*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.
- 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.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity for All Students Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, bullying and/or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

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### V. Student Dress Code

All Stillwater students are expected to give proper attention to personal cleanliness and to dress appropriately for school, school functions and co-curricular activities. Students and their families have the primary responsibility for acceptable student dress and appearance. Stillwater faculty, staff, and other district personnel should reinforce this acceptable dress and help students to develop an understanding of appropriate appearance in a school setting.

#### **A Stillwater student's dress, grooming and appearance shall:**

1. Be safe, appropriate and not distract, disrespect, or interfere with the educational process.
2. Not wear or be in possession of any chain(s).
3. Recognize that extremely brief garments such as tube tops, net tops, halter tops, plunging necklines, both front and back, exposed midriffs, see-through garments, sleepwear (i.e. pajama tops or bottoms) and certain shorts and skirts are not appropriate.
  - a. Skirts should be halfway between knee and hip, **minimally**. Skirts worn with leggings must be halfway between the knee and hip.
  - b. **Shorts and skorts should have an inseam length of 3", minimally.**
  - c. **A minimum width of 2" for all shirt straps is required (middle school)**
4. Ensure that under garments are completely covered by outerwear.
5. Include footwear at all times. Footwear and any clothing or accessories that pose a safety hazard will not be allowed. (i.e., healies, safety pins, spikes, etc.)
6. In grades 9-12, hoods shall not be permitted. Hats will be permitted at teacher discretion. **In grades 6-8, neither hats nor hoods are permitted at any time during the school day.**
7. Not include the wearing of items that are vulgar, obscene, libelous, suggestive, or denigrate others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex as a basis for treating another person in a negative manner.
8. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
9. It shall be the responsibility of the building principal or his/her designee to inform all students and their families of the student dress code at the beginning of the school year and any new revisions made to the dress code during the school year.
10. Students who violate the student dress code shall be required to modify their appearance by 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 or removal by the parent/guardian to home. Any student who repeatedly fails to comply with the student dress code shall be subject to further discipline, up to and including a formal out-of-school suspension.
11. An established committee consisting of administrators, staff, students and parents will review the dress code annually.

Students will be asked to change their clothing if the clothing worn to school shifts or is manipulated in any way that causes the clothing to appear inappropriate for school.

The dress code is in effect for articles of clothing worn during physical education classes.

If questionable attire is worn to school the student will be required to change into appropriate clothing before returning to class.

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### VI. Prohibited Student Conduct

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

The Stillwater Central School District recognizes that the best discipline is self-imposed, and that students must learn to assume and accept responsibility for their own behavior, in addition to the consequences of their misbehavior. School district personnel are expected to use disciplinary action only when necessary and appropriate and to help students develop an ability to grow in self-discipline.

The Stillwater Board of Education understands the need and responsibility to make its expectations for student conduct while on the school property or engaged in a school function specific and clear. The rules of student conduct listed below are intended to focus on the safety and respect for the rights and property of all students. Students who will not accept responsibility for their own behavior and who violate the school rules and procedures will be required to accept the consequences for their conduct.

**Students may be subject to disciplinary action, which may include suspension from school, when they:**

#### *Section A*

Engage in conduct which is insubordinate. Examples of this include:

1. Failing to comply with the reasonable directions of a teacher, staff member, or school administrator, or otherwise demonstrating disrespect.
2. Violating the Attendance Policy.
3. Truancy or leaving school without permission.
4. Failing to comply/fulfill consequences set forth by a teacher or an administrator

#### *Section B*

Engage in conduct which is disorderly and interferes with the learning environment. Examples of this disorderly conduct include:

1. Making loud noises in the hallways, stairwells, offices, cafeteria, auditorium, or classroom.
2. Using language or gestures that are profane, lewd, vulgar, or abusive or which promote behavior which is disruptive and counterproductive to the educational process.
3. Unsafe operation of a motor vehicle, or creating an unsafe environment as a passenger of a vehicle. This includes obstruction of vehicular or pedestrian traffic.
4. Engaging in any willful act which disrupts the normal operation of the school community.
5. Trespassing. Students are not allowed in any school building or part of the building, other than the one they regularly attend, without the express permission of the administrator in charge of the building.

#### **Student Use of Electronic Communication Devices (See Addendum A Computer Acceptable Use Policy)**

Students in Grades 9-12 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 which invades the privacy of students, employees, volunteers or visitors. Student use of electronic devices during the school day for Grades 6-8 is prohibited unless expressly permitted in connection with authorized use in classrooms. Students grades 9-12 are permitted to use electronic devices in homeroom after announcements, in the halls during passing of classes and during lunch period.

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 *cyber bullying*.

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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.

During the school day, there are phones available for student use if a student needs to contact a parent/guardian. If parents/guardians need to contact their children during the school day, they must call the school office for assistance.

In emergency situations, it is imperative that parents/guardians do not contact their children via cell phone. Unauthorized cell phone communication between students and their parents/guardians during emergency situations can impede emergency procedures.

Upon the first infraction in which a device is confiscated, the device shall be returned to the student. With every subsequent infraction, the device shall be delivered to the parent or guardian of the student, and additional consequences may be applied.

### *Section C*

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Engage in conduct that is disruptive. Examples of disruptive conduct include: failure to comply with the reasonable request or directive of a teacher, staff member, or school administrator.

### *Section D*

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Engage in conduct that is violent. Examples of violent behavior include:

1. Committing an act of violence (hitting, kicking, punching, scratching, spitting, and biting) against a teacher, staff member, school administrator, student or any other person lawfully on school property or attempting to do so.
2. 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.
3. Displaying what appears to be a weapon.
4. Threatening to use a weapon or threatening to do harm to any person while on school property.
5. Intentionally damaging or destroying the personal property of another student or any person while on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property, including graffiti or arson.
7. Engaging in harassing or bullying conduct through verbal or non-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 and/or physical well-being including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or 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 conduct includes acts of harassment or bullying that occur on school property; at a school function; or off school property where the acts create 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.

### *Section E*

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Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:

1. Lying to school officials and personnel.
2. Stealing the property of other students, school personnel or other persons lawfully on school property or attending a school function.
3. Making false statements or representations about an individual or group of individuals that harm the reputation of the individual or group of individuals by demeaning them.

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4. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex as a basis for treating another person in a negative manner.
5. Harassment and bullying which creates a hostile environment which results in a material incident of harassment, bullying and/or discrimination, including a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student on school property or at a school function. A material incident of harassment, bullying and/or discrimination shall also include a verified incident or a series of related incidents of harassment or bullying that occur off school property (where it is foreseeable that the acts would create or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that such conduct, threats, intimidation or abuse might reach school property) and is the subject of a written or oral complaint to the superintendent, principal or their designee or other school employee.
6. Intimidation, which includes engaging in actions or statements that put an individual or group of individuals in fear of bodily harm and/or bullying in which a person unfairly and deliberately hurts or frightens someone.
7. Hazing, which includes an intentional or reckless act directed against another for the purpose of initiation into or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene materials.
9. Use of vulgar or abusive language, cursing, or swearing.
10. Possession or use of tobacco products, including e-cigarettes (vaping paraphernalia), matches, lighters, etc.
11. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
12. Possession or use of prescription and over-the-counter drugs.
13. Gambling, or items to be used for gambling purposes, such as playing cards, dice, video games etc., during school hours.
14. Indecent exposure including exposing private parts of the body in a lewd or indecent manner.
15. Initiating a report, warning of a fire or other catastrophe without valid cause, misuse of a 911 call or discharging a fire extinguisher.
16. Although positive peer relationships are encouraged, public displays of affection (PDA) are not appropriate in school and are subject to disciplinary action.
17. The use/possession of energy drinks or products on school grounds (middle school).
18. The consumption of hot beverages, unless provided by the school (middle school).

### *Section F*

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Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on the school district school buses to ensure the safety and welfare of themselves and of other passengers and to avoid distracting the bus driver. Students are expected to conduct themselves on the bus in a manner consistent with the same standards for classroom and school behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. Any inappropriate behavior on a school bus will be handled by the Director of Transportation, who will follow the school's Code of Conduct.

### *Section G*

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Engage in any forms of academic misconduct. Examples of this include\*:

- ✓ Plagiarism
- ✓ Copying
- ✓ Cheating
- ✓ Altering records

Assisting another student in the above activities.

\*Students will be expected to conform to the tenets of the Academic Misconduct policy.

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### Section H

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#### **Extracurricular Club and Activities Comportment**

School clubs, school activities, class officer positions, student council participation, and members of each year's class are offered opportunities to participate in various programs and activities that are either extensions of the classroom, recreational, and/or entertainment based. These clubs and activities are meant to serve as avenues for leadership, social development, and assist in the development of skills, attitudes, and knowledge that will prepare students for post-secondary experiences.

All Stillwater Central School District students participating in extra-curricular activities are required to abide by the same eligibility guidelines and disciplinary regulations as students participating in athletics. The school administration shall enforce the regulations of the Stillwater Code of Conduct for extra-curricular clubs and activities. **Violations of school rules, inappropriate behavior, and unlawful behavior (whether on or off school grounds) may result in suspension or determination of ineligibility to participate in extra-curricular clubs and activities.**

#### **VII. Reporting Student Violations**

All students are required to promptly report violations of this code of conduct to a staff member, teacher, school counselor, the building principal or his/her designee. Any student observing a student possessing a weapon or materials used as part of a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to a staff member, teacher, school counselor, the building principal, the principal's designee or the superintendent. The administration will attempt to provide safeguards for student confidentiality.

Any student observing a student being harassed, bullied and/or discriminated against by another student or staff member shall report this information either orally, or in writing, immediately to a teacher, principal, principal's designee, superintendent or the Dignity Act Coordinator.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts shall report the incident orally within one school day to the principal, their designee, or the superintendent or the Dignity Act Coordinator. Following an oral report, a written report of acts of harassment, bullying and/or discrimination shall be filed within two school days. The principal, superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination and ensure that such investigation is completed promptly after receipt of any written report made.

When an investigation verifies a material incident of harassment, intimidation and/or discrimination, the superintendent, principal or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to provisions in Section 100.2(1)(2)(ii)(h) reasonably calculated to end the harassment, bullying and/or discrimination; eliminate any hostile environment; create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.

Any retaliation against an individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited.

Any district staff authorized to impose disciplinary consequences are expected to do so in a prompt, fair, and lawful manner. District staff members not authorized to impose disciplinary consequences are expected to promptly report violation of this code of conduct to their supervisor, who in turn will impose the appropriate disciplinary consequence if authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence.

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Any weapon or materials used in a weapon, alcohol, or illegal substance found shall be confiscated immediately, followed by a notification of the parent/guardian of the student involved and of the appropriate disciplinary consequence, which may include permanent suspension and referral for prosecution. Students engaging in violent behavior(s) will be subject to school related consequences including forms of suspension.

The building principal or the principal's designee will notify the appropriate law enforcement agency of those code violations that constitute a crime or which substantially affect the order or security of the school, as soon as possible, but no later than the close of business the day the principal or the principal's designee learns of the violation. The notification will be made by telephone or personal contact, identifying the student(s) and the nature of the code of conduct violation constituting a crime.

The Principal, Superintendent or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination may constitute criminal conduct.

### VIII. Disciplinary Penalties

#### Procedures and Referrals

School personnel who interact with students are expected to use disciplinary action only as necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action will be firm, fair, and consistent in an effort to modify student behavior. In determining the appropriate disciplinary consequences, school personnel authorized to impose disciplinary consequence may consider the following:

1. The age of the student.
2. The circumstances which led to a violation of the code of conduct.
3. The student's prior disciplinary record.
4. The effectiveness of previous forms of consequences.
5. Information supplied by parents, teachers, or others, as appropriate.
6. Other extenuating circumstances.

If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education. Consequences, if warranted, shall be administered consistent with the requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for conduct related to the disability.

In the event of disciplinary actions in response to acts of harassment, bullying and/or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, amount other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment to promote a healthy, safe and positive school climate.

#### Section A

#### Penalties-Consequences/Response to Disciplinary Issues

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's due process rights.

1. Verbal warning – any district staff member.
2. Written warning/notification – any district staff member
3. Written notification to the parent – district administrators, teachers, school counselors
4. Detention – district administrators

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5. Suspension from transportation – director of transportation, district superintendent
6. Suspension from athletic participation – coaches, athletic director, district administrators.
7. Suspension from social or co-curricular activities – district administrators
8. Suspension of privileges – district administrators
9. Alternate learning environment – district administrators
10. In-school suspension – building principal and his/her designee
11. Removal from classroom – teacher, principal and his/her designee
12. Short term suspension from school (five days or less) – building principal, superintendent, board of education
13. Long-term (more than five days) suspension from school – building principal, and his/her designee, superintendent, board of education
14. Permanent suspension from school – superintendent, board of education
15. Youth Court – School Administrator
16. Additional consequences as assigned by the building principal or his/her designee, superintendent, Board of Education

### *Section B*

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#### **Procedures**

The amount of due process a student is entitled to before a penalty is imposed depends on the consequence being imposed. Regardless of the consequence, school personnel authorized to impose consequences must inform the student of the alleged misconduct and must investigate, to the necessary extent, the facts surrounding the allegation. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are given consequences other than a verbal warning, written warning or notification to their parents are entitled to additional rights before the penalty is imposed. These are explained below.

1. Detention – after school detention is imposed with parental notification, either by phone or mail. The district shall be responsible for appropriate transportation home following the detention.
2. Suspension from transportation – If a student does not conduct himself/herself properly on the bus, the driver is expected to bring such misconduct to the attention of the transportation director. Students who become a disciplinary problem may have their riding privileges suspended by the director of transportation or district superintendent or their designees. In such cases, the student's parents will become responsible for providing transportation to and from school.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided a reasonable opportunity for an informal conference with the director of transportation, district superintendent or his/her designee to discuss the misconduct and the consequence imposed.

3. Confiscation – If an item is used in a deliberate act of prohibited conduct, that item may be taken from a student. The item may be returned to the student or the principal or his designee may require a legal guardian or parent to retrieve the item.
4. Suspension from athletic participation, social and co-curriculum activities and other privileges – a student subjected to a suspension of the above list is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided a reasonable opportunity for an informal conference with the district official imposing the consequence to discuss the misconduct and the consequence imposed.
5. Alternative Learning Environment (ALE)–  
The building principal and his/her designee and the superintendent may need to place a student in an alternative learning environment. This may be due to academic, social, behavioral or attendance concerns. The Board of Education recognizes the need to balance order and an educational environment and an individual's right to attend school. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school for a violation of the code of conduct, in

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“ALE.” The ALE teacher will be a certified teacher or a properly trained staff member. A student subjected to ALE is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the ALE to discuss the misconduct and the penalty involved.

### 6. Teacher disciplinary removal of disruptive students –

A student’s behavior can negatively offset a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In some instances, the teacher can control a student’s behavior and maintain or restore control in the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure or self- control in an alternative setting. This may include, but is not limited to:

- short term “time out” in an administrator’s office
- sending a student into the hallway briefly
- sending a student to the principal’s office for the remainder of the class time only
- sending a student to a guidance counselor or other district staff member for counseling

\*Classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student’s behavior may become disruptive. A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with a teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules and procedures.

A classroom teacher may remove a disruptive student from class for one day. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for being removed and an opportunity to explain his/her version of the relevant events. Only after this informal discussion, may a teacher remove a student from class. Within 24 hours, it will be the responsibility of the teacher to contact a parent or guardian. The teacher will also provide the administrator a written account of the incident and parental contact.

If a student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student the reason(s) for the removal within 24 hours and give that student a chance to present relevant events regarding the removal. Again, the teacher must provide the administration a written account of the removal and contact the parent/guardian within 24 hours.

The teacher must complete a disciplinary removal form and meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or designee is not available by the end of the school day, the teacher should leave the form with the appropriate secretary and meet with the principal or designee prior to the beginning of classes the next school day.

Within 24-hours after the student’s removal, the principal or another district administrator designated by the principal must notify the student’s parents that the student has been removed from class and why. The notification must also inform the parent that he or she has the right, upon request, to meet informally with the principal or principal’s designee to discuss the reasons for the removal. A written notice must also be provided summarizing the removal. The principal may require the teacher who ordered the removal to attend the informal conferences.

If at the informal meeting the student denies the charges, the principal or the principal’s designee must explain why the student was removed and give the student and the student’s parents a chance to present the

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student's version of the relevant events. The informal meeting must be held within 48 hours of the removal. The timing may be extended by mutual agreement of the parent and principal.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- a. The charges are not supported by substantial evidence
- b. The removal of the student is otherwise the violation of law
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if the conference is requested. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher will keep a log for all cases of removal of students from his/her class until he or she has verified with the principal or the Director of Special Education that the removal will not violate the student's rights under state or federal law or regulation.

### 7. Suspension from school

Suspension from school is a serious consequence; imposed upon students who are insubordinate, disorderly, violent or disruptive or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Stillwater Board of Education places the primary responsibility for the suspension of students with the superintendent and the building principals or their designee(s).

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of this code of conduct. All reports and referrals shall be made in writing, unless the conditions underlying the referral warrant immediate attention. In such cases, a written report will be prepared as soon as possible by the staff member regarding the violation.

The superintendent or building principal, upon receiving the verbal or written report, shall gather the facts relevant to the matter and record them for subsequent presentation at an informal or formal conference.

#### Short-term (5 days or less) suspension from school

When the superintendent or building principal proposes to suspend a student charged with misconduct 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 misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents verbally and in writing. The written notice must be provided by 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.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed. The parents shall have the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language used by the parents. At the conference, the parents shall be permitted to ask questions of the complaining witnesses under such procedure established by the building principal.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an 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 shall take place as soon after the suspension as is reasonably practical.

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After the conference, the principal shall promptly advise the parents in writing of his/her decision. The principal shall 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 five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with this decision, they must file a written appeal to the Stillwater Board of Education within 10 business days of the superintendent's decision unless they can show extraordinary circumstances to preclude them from doing so. Only final decisions of the board may be appealed to the Commissioner of Education within 30 days of the decision.

### **Minimum Periods of Suspension**

#### **1. Students who bring a weapon to school**

Any student found guilty of bringing a weapon onto school property may be subject to suspension from school for up to 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:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

#### **2. Students who bring drugs/alcohol to school**

The consumption, sharing and/or selling, use and/ or possession of alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Minimal consequences:

- a. Automatic 5 days out of school suspension
- b. Police contact
- c. Counseling referral

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 weapons. (see above) The administration reserves the right to use a breathalyzer to ascertain student sobriety.

#### **3. 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 up to five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

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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.

#### **4. Students who are repeatedly substantially disruptive of the education process or repeatedly substantially interfere with the teacher's authority over the classroom**

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

### **Referrals**

#### **Counseling**

The Guidance Office shall handle all referrals of students to counseling.

#### **PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses illegal controlled substances in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

#### **Youth Court**

The Stillwater Youth Court is operated by select students in the school district. Students function in the role of judge, prosecutor, defense attorney, and jury. Outcomes of participation in Youth Court may result in the assignment of decision making skills training, peer mediation, anger management training, community service, or other appropriate interventions prescribed through Youth Court.

#### **Juvenile Delinquents and Juvenile Offenders**

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42).

#### **Alternative Instruction**

When a teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will act promptly to provide alternative means of instruction for the student.

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### IX. 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 have 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.

#### *Section A*

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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.

#### **Authorized Suspensions or Removals of Students with Disabilities**

1. A "suspension" means a suspension pursuant to Education Law §3214.  
A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.  
  
An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the subject to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES, to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

For a definition of weapons, please refer to Section II 18 USC § 920(g)(2) and 18 USC §921 (3)-(8).

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“Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy.

“Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

### *Section B*

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#### **Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

### *Section C*

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#### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The district’s Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the **Manifestation Team** believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student’s disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
  - c. A manifestation team shall review all relevant information in the student’s file, including the student’s IEP, any teacher observations and any relevant information provided by the parents to determine if (1) the

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conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (2) the conduct in question was the direct result of the school district's failure to implement the IEP.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.
    - 3) The parent of the student has not allowed an evaluation of the student; or
    - 4) The parent of the student has refused services under IDEA and Article 89.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

4. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal for periods of more than 10 school days in a school year which do not constitute a disciplinary change of placement, or placement in an IAES, students with

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disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP.

### *Section D*

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#### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. Upon receipt of or filing of an expedited due process complaint, a hearing officer shall be appointed by the Board of education pursuant to the rotational selection process established in 200.2(e)(l) and subject to the administrative procedures established by the Board under 200.2(b)(9) of the Commissioner's Regulations. Unless waived by agreement of both parties, a resolution meeting shall occur within seven days of receiving notice of the due process complaint. The expedited due process hearing may proceed unless the matter has been resolved within 15 days of receipt of the due process complaint to the mutual satisfaction of both parties. If no resolution is reached, the expedited due process hearing shall occur within 20 school days from the date the complaint requesting the hearing was filed. The impartial hearing officer shall make a determination within 10 school days after the hearing. No extension to an expedited impartial hearing timeline may be granted.

### *Section E*

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#### **Referral to law enforcement and judicial authorities**

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

#### **Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by a district employee is strictly forbidden.

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However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, pursuant to 8 NYCRR 19.5(a)(3), emergency interventions including the use of reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

### **XI. Student Searches and Interrogations**

The Stillwater Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

Additionally, local law enforcement officials and their K-9 patrol units may be used to randomly search school property and students' possessions.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. **It is important to note that searches can also include the use of breathalyzers at all co-curricular school activities.** In this instance, the school could randomly test students or test all students for alcohol consumption using a breathalyzer device. Any student suspected by the administration of consuming alcohol will be kept under direct supervision until a parent or guardian arrives at school.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

# Stillwater Middle/High School

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### *Section A*

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#### **Cell Phones**

The district reserves the right to search the cell phone if it has reasonable suspicion that a search will reveal that school rules have been violated.

### *Section B*

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#### **Student Lockers, Desks and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### *Section C*

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#### **Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of the student searched
2. Reasons for the search
3. Name of any informant(s)
4. Purpose of the search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his or her title and position
7. Witnesses, if any, to the search.
8. Time and location of the search.
9. Results of the search (that is, what item(s) were found).
10. Disposition of the items found
11. Time, manner and results of parental notification.

The principal or their designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or their designee shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to the police (or the parent, as appropriate).

### *Section D*

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#### **Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

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Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### *Section E*

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#### **Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

#### **XII. Visitors to School**

The board encourages parents and other district citizens to visit the district's schools 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 schools:

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 reception area upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The building principal has the right to limit school visitations at his/her discretion.
3. Visitors attending school functions that are open to the public, after school hours, 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 building principal(s), so that class disruption is kept to a minimum.

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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. Guests invited to participate in extracurricular activities (special events, dances, Prom or After-Prom) are subject to the Stillwater Code of Conduct including the use of breathalyzers. In addition to submitting a permission form, guests may be interviewed by the building principal. The building principal has the authority to grant or deny permission to an extracurricular activity based on the willingness of the guest to comply with the Code of Conduct or if the guest's character is in question.

### **XIII. Public Conduct on School Property**

The District is committed to providing an orderly, 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.

#### Section A

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#### **Prohibited Conduct**

No person, either alone or 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 teacher, administrator, other district employees 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 race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
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, distribute or exchange alcoholic beverages, controlled substances and tobacco, or be under the influence of any of the above on school property or at a school function.
10. Possess or use weapons in or on school property or at a school functions, 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 the code.

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15. 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:

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 arrest.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any legal rights that they may have.
4. Staff members in the classified service of the civil service **are** 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.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee 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 or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee 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 or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## XIV. Dissemination and Review

### Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students and parents in the District's Calendar and in Student/Parent Handbooks.
2. Having Administrators review the Code of Conduct with students at the beginning of each school year.
3. Making copies of the Code available to all parents at the beginning of the school year.
4. Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practical after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members.
8. Making the Code available for review on the District website; [www.scsd.org](http://www.scsd.org)

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district

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staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

### **ACADEMIC INTEGRITY**

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The Stillwater Central School District believes that school and homes partner in teaching the values of integrity, truth, personal accountability and respect for the rights of others.

### **ACADEMIC INTEGRITY- Defined**

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Students should understand that, among other things, academic integrity includes refraining from communicating with another student during an exam; copying material during an exam; allowing another student to copy from his or her exam paper; failing to properly cite ideas, thoughts or constructs found in other publications including online sources; using unauthorized notes or devices; submitting falsified information for grading purposes; obtaining and supplying a copy and/or information about an exam without the knowledge and consent of the teacher; submitting work written by another person (except as outlined below\*); submitting work written by the student for another assignment without the teacher's knowledge or consent (self-plagiarism); copying another person's assignment(s); allowing another student to copy his or her assignment; or having or handling exams without the knowledge and consent of the teacher.

*\* When a student submits an assignment, that assignment should be only his or her own work unless the teacher has specifically set up the assignment as a group project or other collaborative assignment. In such cases, the names of all students involved in the group process should be listed on the assignment. If the teacher has not designated the assignment as a group project, submitting an assignment written by more than one person is **plagiarism**.*

### **CONSEQUENCES FOR ACADEMIC DISHONESTY**

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The consequences for not maintaining academic integrity shall be clearly explained to all students. The following consequences are to be adhered to by all teachers for infractions occurring in one class or if multiple infractions were committed:

1. First Infraction:
  - a. Student grade will be lowered:
    - i. If a lack of academic integrity occurs on an exam, a zero grade for that exam will be included in the student average.
    - ii. If a lack of academic integrity occurs on an activity other than an examination, the equivalent of a zero grade on that activity will be included in the student average.
  - b. Teacher will inform the parent.
  - c. Student will be issued a referral to school administration. Appropriate counseling steps will be taken.
  - d. Participation grade will be decreased.
  - e. The infraction will be forwarded to the National Honor Society (NJHS/NHS) Faculty Council (if student is a NJHS/NHS member)
  - f. For weighted courses, the student will no longer be eligible for a weighted average.

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### 2. Second Infraction:

- a. Conference will be held with school administrator, counselor, parent, student and teacher.
- b. A zero grade will be given for the test/quiz/assignment
- c. Student will be issued a referral to youth court for further disciplinary measures
- d. Participation grade will be decreased.
- e. The infraction will be forwarded to the National Honor Society (NJHS/NHS) Faculty Council (if student is a NJHS/NHS member)

### 3. Third Infraction:

- a. Student will receive a failing marking period grade for the course.
- b. Student will be assigned to youth court for further disciplinary measures.

If a student steals, sells or buys a final examination, a parent conference will be called, the student will be suspended and the student will fail the course.

If a student steals keys or is involved in an illegal school entry including unauthorized entry into a school computer, server or storage device, the administrator shall be notified immediately. The school administration will initiate a suspension and the police will be called to investigate any illegal action. Students engaged in illegal school entries including computer/server hacking or theft of any kind will receive a failing mark for the course.