

# Portville Central School

## Code of Conduct

### **I. Introduction**

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

The administration reserves the discretion to impose discipline based on the seriousness of the infraction, as well as the circumstances surrounding the infraction. Final disciplinary consequences remain the decision of the administration and may, if deemed warranted by the administration, include a combination of policies/guidelines contained in this code.

Unless otherwise indicated, this code applies to all students, school personnel, parents, as well as visitors and/or vendors when on school property or attending a school function.

### **II. Student Rights and Responsibilities**

#### **A. Student Rights**

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless legally excused. Be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Use reason, good judgment respect for others and proper manners when given direction by teachers, administrators and other school personnel.
6. Must accept the consequences of their actions; recognize boundaries of their individual liberties and work to develop mechanisms to control anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Conduct themselves as representatives of the Portville Central School District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
11. To make constructive contributions to his/her school.

### **III. Student Dress Code**

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

#### **A. School Day**

A student’s dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall be appropriate for the school atmosphere. Therefore, each student shall:

1. Recognize that extremely brief and/or tight fitting garments such as mini skirts, short shorts, tube, net, and halter tops, bra/thin-strapped tops, see-through garments, garments which expose bare midriffs, plunging necklines, muscle shirts, or excessively dropped pants are not appropriate and not permissible;
  - a. (Shorts) must cover at least half of a student’s thigh.
2. Ensure that underwear is completely covered with outer clothing;
3. Wear footwear that does not constitute a safety hazard at all times;
4. Not wear hats, head-covering, bandannas, hoods from hoodies, blankets, or sunglasses in the building except for medical or religious reasons;
5. Not wear clothing which displays writing or visuals which are obscene, suggestive, provocative in nature, vulgar, or libelous;
6. Not wear clothing which denigrates others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability;
7. Not wear gang related clothing or paraphernalia.
8. Not wear clothing which promotes and/or endorses the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal, violent or dangerous activities;
  - a. Not possess or wear clothing, chains, jewelry, or other items which could cause damage to school property or cause harm to oneself or others, including pins and studs;
  - b. Not carry backpacks after the start of the school day.

## B. After-School Activities

While it is recognized that for after-school activities, including talent shows, athletic events, dances, etc., that a student's dress may differ slightly from the school day, under no condition will vulgar, obscene, libelous or denigration of others on any account, or promotion or use of alcohol, tobacco or illegal drugs, or violent activities, be tolerated. These students shall be subject to further discipline under the code.

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

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

## IV. Prohibited Student Conduct

The Board 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 school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and the students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

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

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

### A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in the building after normal school hours without permission of a teacher, principal, or superintendent.
7. Bullying
8. Misuse of personal electronic devices (cell phones, iPods, palms, mp3 players, etc) in classrooms including study halls, computer and science labs, the gym, library, testing areas, etc.
  - a. Cell phone usage will be allowed at personal lockers and during lunch. At all other times, cell phones must be off and placed in lockers.
  - b. Cell phones must be turned over to the instructor or proctor during testing situations. Cell phones will be labeled and returned at the completion of the exams.
  - c. Personal listening devices are not to be used in the hallways.
9. Misuse of computers including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

### B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
2. Tardiness, truancy, or leaving the school building or grounds without permission.
3. Skipping detention.

### C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, administrators or other school personnel in charge of students.
2. Interfering with learning in the classroom
3. Repetitive tardies to class with or without pass

### D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. 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.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the property of a student, teacher, administrator, other district employee, or other person lawfully on school property, or school district, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:

1. Lying to school personnel.
2. Stealing the property of students, school personnel, or other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group by demeaning them.
4. Intimidate, harass, or discriminate against any person based on perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section II(6), or sex.
5. Physical altercation with another student.
6. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
7. Intimidation, which includes actions or statements that put an individual in fear of bodily harm.
8. Hazing, which includes any intentional or reckless act against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
9. Selling, using, or possessing obscene material.
10. Using vulgar or abusive language, cursing or swearing
  - a. towards staff members.
  - b. towards another student.
11. Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".
13. Inappropriately using or sharing prescription and over-the-counter drugs.
14. Gambling.
15. Indecent exposure, that is, exposure to the sight of the private parts of the body in a lewd or indecent manner.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Public sign of affection.
18. Exploitation of students or staff.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. Specific bus rules have been established by the transportation director.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

## V. Reporting Violations

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

## VI. Disciplinary Penalties, Procedures, and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial school personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. Discipline is training that develops self-control, or orderliness and efficiency. Being disciplined is part of anyone's education. Discipline is essential for an orderly school environment in which learning opportunities can take place. Self-discipline is the goal of any discipline policy. When student self-control and self-discipline falters, authority may be used to protect the rights of others and to enable the total school to function smoothly.

Disciplinary referrals may include:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

## A. Penalties

Staff members use the disciplinary guidelines when handling all student discipline cases. This outlines the type and degree of penalty that may be applied to each different type of case. The following is a list of Board approved disciplinary actions. The parent/guardian will be notified in items #2 – 17 from the list below.

1. Verbal warnings – given by teachers and other personnel.
2. Contact parents via telephone or mail.
3. Parental conference – face to face meeting
4. Referred to administration – written document of incident.
5. Administrator warning – given by the administrator in writing.
6. After/before school/lunch academic detention by teacher.
7. After/before school disciplinary detention by administration.
8. Saturday detention by administration.
9. Administrative Detention – two (2) periods at the administrator’s discretion.
10. In-school suspension.
11. Out-of-school suspension.
12. Restitution for damages.
13. Superintendent hearing for suspension.
14. Suspension from class.
15. In-house assignment with specific work assignment.
16. Referred to an outside agency – notice sent with referrals attached.
17. Suspension of privileges – loss of rights for a specific time.

## B. Procedures

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

Students who are to be given penalties other than an oral warning, written warning, or written notification to their parents are entitled to additional rights (explained below) before the penalty is imposed.

1. Disciplinary Detention
2. Academic Detention
3. Suspension from transportation.
4. Suspension from athletic participation, extracurricular activities and other privileges.
5. In-school suspension
6. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. 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 and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short term “Time Out” in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (3) sending for the resource officer, Dean of Students, or an administrator to escort student to ISS (in-school suspension); (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored 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. For purposes of this code of conduct, 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 the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. 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 why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

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

Within 24 hours after the student’s removal, the principal or superintendent must notify the student’s parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the superintendent to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone. The school has been provided with telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the principal or designee must explain why the student was removed and give the student and the parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual consent of the parent and the principal.

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

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

The principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and close of business in the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whatever is less.

Any disruptive student removed from a classroom by the classroom teacher shall be offered continued educational programming and activities until permitted to return to the classroom.

Each teacher must keep a complete documentation for all cases of removal of students from class. The principal must keep a log of all removals of students from class.

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

#### 7. Suspension from school

- a. Short-term (5 days or less) suspension from school
- b. Long-term (more than 5 days) suspension from school
- c. Permanent suspension

#### C. Minimum Periods of Suspension

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

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

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

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

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

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for up to five days. For the purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom for teachers suspension of up to 2 days, pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the maximum 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 maximum 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. The superintendent has the authority to modify the maximum 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.

## D. Referrals

### 1. Counseling

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

### 2. PINS Petitions

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

- 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 that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition

### 3. 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 qualifies for juvenile offender status under the Criminal Procedure Law SS1.20(42).

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

## VII. Alternative Instruction

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

## VIII. Discipline of Students with Disabilities

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

This code 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.

## IX. 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 any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be reasonably used, 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.

## X. Student Searches and Interrogations

The Board of education is committed to ensuring an atmosphere in 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 in 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. School officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals and the school nurses (upon direction from the superintendent or principals) to conduct searches of students and their belongings if reasonable suspicion exists that the search will result in evidence that the student violated the law or the district code of conduct.

### A. Student Lockers, Desks, and other 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 areas. 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.

## **XI. Visitors to the School**

The Board encourages parents and other district citizens to visit the school and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The superintendent or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

1. Anyone not a regular staff member or student of the district will be considered a visitor.
2. All visitors to the school must report to the office upon arrival in the building. There they will be required to sign the visitor's register and will be given a visitor's tag, which must be worn at all times while in the school. The visitor must return the tag and sign out before leaving the building.
3. Visitors attending school functions that are open to the public are not required to sign in.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the superintendent or 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.

## **XII. 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 the section of the code, "public" shall mean all persons on school property or attending school functions including students, teachers, school personnel, as well as visitors and/or vendors.

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 dressed for the purpose they are on school property.

### **A. Prohibited Conduct**

The district prohibits discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:

1. 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; or
2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

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 practices, disability, sexual orientation, gender as defined in Education Law Section II(6), or sex provided that nothing in this subdivision shall be construed to prohibit a denial of admission info, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Section 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973.

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 employee, or any person lawfully on school property. Damage includes graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials in 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 based on perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section II(6), or sex.
6. Enter any portion of the school premises without authorization or remain in the building 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, illegal drugs, drug paraphernalia, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identified school officials on duty.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function.

**B. Penalties**

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

Visitors' authorization to remain on school grounds or at the school function shall be withdrawn and the visitors shall be directed to leave the premises. If they refuse to leave, they shall be subjected to ejection.

1. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements. Programs and counseling may be administered in an effort to reach expected behaviors.
2. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
3. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75 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.
4. Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

The superintendent or designee shall be responsible for enforcing the conduct required by this code.

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 parties may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

**Offenses**

Listed below are examples of such incidents which the faculty, staff, and administration of Portville Central School consider to be offenses.

**The list is not considered exhaustive, but rather a guideline to the types of offenses that could serve as detriments to the educational process.**

Included with this list are possible actions/consequences to be taken by the classroom teacher or staff member in order to handle such misbehavior. The classroom teacher or staff member may use the consequences as a guideline. He/she is not limited to the suggested actions/consequences.

**CATEGORY 1 OFFENSE:**

*(To be used by the classroom teacher and/or staff member)*

- Unprepared for class
- Class Tardiness (late to class without a pass)
- Disruptive in class
- Littering on school property
- Cafeteria disturbance (throwing food, etc.)
- Abuse of passes
- Skipping lunch or study hall
- Carrying backpacks after the start of the school day

**Consequences:**  
 Verbal warning  
 Call or write parents/guardian  
 Detention with teacher  
 Parental conference  
 Loss of privilege

**CATEGORY 2 OFFENSE:**

*(To be used by the administration)*

**Repeated Category 1 offense**

- Insubordination
- Vandalizing school property
- Stealing
- Providing false information to staff
- Illegal absence (with parent knowledge)
- School tardiness  
(late to school without written excuse)
- Use of tobacco products
- Fighting
- Bullying
- Internet abuse
- Truancy - (absent from school w/o parent knowledge)
- Leaving school grounds or building without permission
- Misuse of cell phones, Ipods, etc.
- Cheating/Plagiarism/ Academic dishonesty
- Inappropriate language and/or gestures
- Failure to serve detention
- Skipping class
- Inappropriate attire (indecent, dangerous, distracting, or portraying negative slogans)

**Consequences:**  
 Detention from Dean  
 Parent Conference  
 Saturday/Evening detention  
 In School Suspension  
 Loss of privileges  
 Suspension from class  
 Refer to outside agency  
 Out of School Suspension  
 Restitution  
 Lunch detention

**CATEGORY 3 OFFENSE:**

*(To be used by the administration)*

**Repeated Category 2 offense**

- Attack or threaten staff
- Use or possession of alcohol or drugs
- Criminal acts (bomb threats, false alarms, assaults, major vandalism, arson, etc.)
- Use or possession of firearms / weapons

**Consequences:**  
 Out of School Suspension  
 Superintendent hearing  
 Refer to outside agency  
 Alternative Education  
 Restitution

