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**STUDENTS****CODE OF CONDUCT & DISCIPLINARY PROCEDURES**

For a school to be successful it is necessary that members of that organization adhere to certain rules of behavior. If the South Kortright Central School is to fulfill its mission and if its students are to meet their desired exit outcomes, it is necessary to establish rules of behavior. This Code of Conduct is designed to promote the maintenance of order on school property and at school functions and shall govern the conduct of students, school personnel, and visitors.

**DRESS CODE**

SKCS believes that a conventional neat manner of dress is suitable for school attire. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

- (1) not intrude upon the work of the school or the rights of other students.
- (2) not be vulgar or lewd
- (3) be in compliance with district safety rules
- (4) ensure that the student's underwear is completely covered with outer clothing
- (5) not include extremely brief garments such as tube tops, mini skirts, spaghetti straps, mesh or net shirts, tops, blouses, or shirts that are not long enough to be tucked in, see through garments or other such garments which are disruptive to the educational process
- (6) include footwear at all times
- (7) not include hats in the building between the hours of 8:00 am and 3:00 pm pursuant to the Hat section of Policy 7041 Student Lockers
- (8) not include items which are vulgar, obscene, libelous, denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, or that advocate racial or religious prejudice.
- (9) not promote or endorse the use of tobacco, alcohol, or drugs
- (10) not promote or endorse violence or other illegal activities

Students who violate the dress code will be asked to modify their appearance by covering or removing the offending item. If necessary, the student shall be sent home to change clothing. Any student who refuses to do so shall be subject to discipline pursuant to the code of conduct.

School administration must be contacted regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. An exemption will be considered prior to the occurrence of a dress code violation. If a request for an exemption is denied, the applicant may appeal the denial to the Superintendent within 5 school days. If the Superintendent denies the application, the applicant may appeal the denial to the Board of Education within 5 days of the Superintendent's written denial. The decision of the Board will be final.

## **BOARD REGULATION REGARDING MATTERS THAT COULD PRODUCE DISCIPLINARY ACTION**

A student shall be subject to disciplinary action in relation to the following Prohibited Conduct:

1. Engaging in any act of discrimination or harassment as defined in this code. Discrimination and harassment means an intentional act against any student, on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact by verbal threats, intimidation or abuse, of such a severe nature that it:
  - (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional physical well-being; or
  - (b) reasonably causes or would reasonably be expected to cause a student to fear for his or 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 practice, disability, sexual orientation, gender or sex.

2. Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
3. The use, possession, sale or gift of any drug or controlled substance, including marijuana or any instruments for the use of such drugs, controlled substance or marijuana such as a pipe, syringe or other paraphernalia, or any so called "designer drug" while on school premises (including buildings or grounds) or on a bus going to or from a school function or school-sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician which is to be taken by the particular student at the time in question and administered by the School Nurse.
4. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
5. Verbal or physical intimidation.
6. Fighting or causing physical harm to another.
7. Disrespect toward a staff member.
8. Possession or use of a weapon, which constitutes a firearm or destructive device, on school premises. School premises include grounds, school buildings, or a school bus.
9. Possession or use of knives or other weapons not included in section (7) on school premises. School premises include school grounds, school buildings, or a school bus.
10. Failure to comply with the directions of a teacher, administrator or other school employee.
11. Engaging in acts of sexual harassment as defined in the district's sexual harassment policy.
12. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person.
13. Selling, using or possessing obscene material.
14. Lateness for, missing or leaving school or class without permission or an excuse given by a faculty member.
15. Any willful act which disrupts the normal operation of the school community, or that poses a threat to the health and safety of themselves or others.
16. Use or possession of a cigarette, e-cigarette, vapor cigarette or other alternative smoking device, cigar or pipe, or using chewing or smokeless tobacco on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
17. Disrupting the educational process.
18. Interfering with the teacher's authority over the classroom.
19. Acting as a violent pupil.

a. Violent pupil. For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

- (1) commits an act of violence upon a teacher, administrator or other school employee;
- (2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
- (3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- (4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
- (5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death; (6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
- (7) knowingly and intentionally damages or destroys school district property.

**20.** Vandalizing school property or the property of a student or staff member.

**21.** Violating the civil rights of another student.

**22.** Violating the District's dress code.

**23.** Displays of affection, other than holding hands. (There must be "light" between couples.)

**24.** All electronic devices are to be turned off and placed out of sight during the school day.

The range of penalties which may be imposed for the conduct set forth above is as follows:

- a)** Verbal warning;
- b)** Written warning;
- c)** Written notification to parent;
- d)** Counseling;
- e)** Probation;
- f)** Reprimand;
- g)** Detention;
- h)** Suspension from transportation;
- i)** Suspension from athletic participation;
- j)** Suspension from social or extracurricular activities;
- k)** Suspension of other privileges;
- l)** Exclusion from a particular class;
- m)** Involuntary transfer; or
- n)** Suspension from regular instruction In School
- o)** Suspension from regular instruction Out-of-School.

Any suspension from regular instruction for violation of any section may be imposed only in accordance with Education Law 3214(3).

The type and extent of punishment for violation of all sections except section (7) which notes actions pertinent to the Gun-Free Schools Law (20 U.S.C.A. 3351) shall be determined by the Building Principal or Superintendent. Disciplinary measures shall be appropriate to the

seriousness of the offense and, where applicable, to the previous disciplinary record of the student.

### **GUN-FREE SCHOOLS LAW (20 U.S.C.A. 3351)**

In accordance with the Gun-Free Schools Law (20 U.S.C.A. 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. 8921), New York State Education Law 3214 (3), and this Board policy, the punishment for violation of Section (7) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the superintendent shall determine to modify such punishment. The superintendent's determination shall be on a case-by-case basis.

The term "firearm" as used in Section (7) is defined in 18 U.S.C.A. 921 (3) and shall include any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a weapon.

The superintendent shall refer a pupil who has been determined to have violated section (7) as follows:

- a) If the pupil is under 16 years of age to the Family Court in accordance with the Family Court Act, Article 3.
- b) If the pupil is 16 years of age or older to the appropriate law enforcement agency.

### **SCHOOL PERSONNEL**

All school personnel are expected to adhere to the above-mentioned Code of Conduct. Violation may result in the following actions being taken, depending upon the severity of the offense: verbal warning, letter of reprimand, suspension of duties with or without pay, termination of employment. If warranted, a referral may be made to the appropriate public service agency or law enforcement officials may be contacted. These will be enforced by the Superintendent in compliance with contractual provisions.

### **STUDENT VISITORS**

Student visitors are expected to adhere to the above-mentioned Code of Conduct. A violation of these rules may result in the following, depending upon the severity of the offense: verbal warning, expulsion from school, denial of privileges to visit South Kortright Central School. Police will be contacted by the Superintendent if necessary.

### **ADULT VISITORS**

Adult visitors are expected to adhere to the above-mentioned Code of Conduct. A violation of these rules may result in the following measures being taken, depending upon the severity of the incident: a verbal warning, being asked to leave school property. The Superintendent will contact the police if necessary.

### **DISRUPTIVE STUDENTS**

Disruptive students are defined as elementary or secondary students under the age of 21, who are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom.

Under the provisions of Safe School Legislation teachers have the authority to remove these students from the classroom. A minimum removal period of 1 day or a maximum removal of 5 days will be imposed. Immediate removal from the classroom will occur. The offending student will also not be allowed to participate in that class on the day following the day upon which the offense was committed.

A minimum out-of-school suspension period of one day will be imposed upon a student who is removed from the classroom as a disruptive student on four or more occasions during a semester.

### **VIOLENT STUDENTS**

A violent pupil as defined by Education Law section 3214(2-a) (a) shall be immediately reported and referred to the Superintendent or his/her designee. A minimum suspension period of (one) day shall be imposed. The Superintendent or his/her designee may reduce the minimum suspension period on a case-by-case basis to be consistent with any other state or federal law.

### **SAFETY & SECURITY**

The South Kortright Central School Safety Plan will be used as the standards and procedures to endeavor to provide for the safety and security of students and school personnel.

### **COMPLAINTS IN CRIMINAL COURTS, JUVENILE DELINQUENCY AND 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:

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

### **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:
- Any student under the age of 16 who is found to have brought a weapon to school
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42)
- The Superintendent is required to refer students age 16 and older or any student 14 or 15 who qualifies for juvenile offender status to the appropriate law enforcement authorities.

The provisions of this policy are in compliance with State and Federal Laws relating to students with disabilities.

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SOUTH KORTRIGHT CENTRAL SCHOOL

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