

## STUDENT CONDUCT AND DISCIPLINE

### *General Statement*

In an effort to develop a positive self-image, a self-disciplined approach to life, and provide behavioral guidelines for school, certain Board of Education policies and regulations and school rules have been established by which the student body is governed and guided. These behavioral guidelines are intended to promote the general health, education and welfare of each person in the school.

Board policy 1520, “**Public Conduct on School Property,**” provides fundamental structure and direction, while the information found herein, provides a base from which students, parents, teachers, administrators and the Board may work together in helping students meet their educational objectives. Individual school rules and procedures provide further direction and guidelines and are reviewed with all students at the beginning of each school year.

### I. STUDENT RIGHTS

The school has an obligation to educate students in the rights and responsibilities of citizenship. As part of their education, students should be made aware of, and should exercise, those rights and responsibilities as they exist within the school environment. All persons between the ages of 6 and 21 residing in the State of New York are entitled to a free education without discrimination on the basis of sex, sexual orientation, race, color, religion, disability, marital status, economic status, age, national origin, creed, genetic status, HIV or Hepatitis carrier status. We are dedicated to working together to create for students:

- a meaningful learning experience,
- an appropriate and challenging curriculum,
- protection from physical and verbal abuse,
- assistance in making decisions on educational goals,
- the opportunity to practice decision-making within the democratic process,
- be disciplined in private, if possible,
- be disciplined in a humane and appropriate manner,
- a safe school climate,
- a written code of discipline – clear and concise
- knowledge of the reasons for any discipline which may be administered, and be heard in matters of disciplinary action.

**In addition to the rights enumerated by the school district, the federal Pupil Privacy Law requires prior written consent from parents or guardians before students can be required to submit to a survey, analysis or evaluation that reveals information concerning political affiliations; potentially embarrassing mental or psychological problems; sexual behavior or attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of close family members; legally recognized privileged relationships, such as those of lawyers, physicians, and ministers; or income (other than that necessary to determine eligibility for certain financial assistance). However, such survey, analysis or evaluation may be conducted on a wholly voluntary basis, provided that the student and his/her parent or guardian has been notified of their rights and of their right to inspect all materials related to the above.**

### A. Association

Students have the right to participate in any and all student organizations which have been recognized by the school district in accordance with established criteria. Such organizations may not restrict membership on the basis of race, color, sex, creed, religion, age, national origin, sexual orientation, economic status, marital status, disability, genetic disposition, HIV or Hepatitis carrier status, or other arbitrary criteria.

### B. Privileged Activities

The Board recognizes that students in North Colonie Central Schools shall, as a natural outgrowth of their education and training, have the right to express their opinions and ideas orally and in writing. They should be encouraged to take stands and support policies and programs both publicly and privately. These actions, on the part of our students, shall be known as privileged activities and shall not be denied solely because they may include unpopular viewpoints. Privileged activities shall be those forms of personal expression which do not include obscenity, disruptive activities, activities which deny the rights of others, false statements about persons or groups, and the violation of or advocating of the violation of the law or district policy and official school regulations.

### C. Search and Seizure

Students are guaranteed freedom from unreasonable search and seizure. School authorities will not search property assigned to a specific student unless they have a reasonable suspicion that items contained within constitute a rule, violation or a crime. Lockers are the property of the school district and may be searched without student permission. System administrators have access to all district computers, electronic mail and user access requests, and will monitor messages as necessary to assure appropriate use (see Policy 4550). Personal searches or searches of personal belongings will be allowed only when school authorities have reasonable suspicion that items hidden on the student or in his/her private property are illegal or in violation of school rules.

## II. ROLES AND RESPONSIBILITIES

### A. Role of the Student

Students should strive for academic excellence. In doing so, attendance should be regular and punctual. They should be self-controlled, participatory, reasonably quiet and non-disruptive in classrooms, buildings, study areas, school buses, on school property and at school activities; be neat and clean in appearance while dressing in a fashion that will not be distracting or disrupt classroom procedure; be reasonable, modest, self-controlled and considerate in their relationships with other students; strive for mutually respectful relationships with teachers and comply with directives of teachers and administrators; keep their language and gestures respectful and free of profanity or obscenities; respect private, public and school property; and be knowledgeable of, and abide by, all rules and regulations of the district and school. When concerns or complaints arise, students should contact their counselor, department supervisor, hall or Building Principal.

### B. Role of the Parent/Guardian

The role of the parent/guardian shall include the following: to insist on regular and punctual student attendance; to supervise the student to ensure that good health, basic hygiene and cleanliness are given proper attention; to install in the student a desire to learn; to encourage respect for honest work; to observe student dress to ensure compliance with

school guidelines; to guide the student toward socially acceptable standards of behavior, to stress self-control and accountability for behavior; to teach the student, by word and example, respect for law, for the authority of the school and for the rights and property of others; to become acquainted with the school, its staff, curriculum and activities; and, finally, to know and understand the school policies which affect the student. Regular parental cooperation and communication with the school will help to avoid major problems and provide a common base for mutual efforts.

#### C. Role of the Teacher

The primary role of the teacher is to present well organized instruction following the established course outline which includes a variety of teaching techniques and periodic evaluation of student progress. While fulfilling this role, teachers shall be expected to remain up-to-date on all aspects of their subject field and shall conduct themselves as follows: reflect a personal enthusiasm toward teaching and learning with a genuine concern for the individual student; guide learning activities so students learn to think and reason, assume responsibility for their actions, and respect the rights of others; interpret, explain, and enforce school rules and regulations regarding student behavior; be firm, fair and consistent in enforcing rules in the classrooms, hallways, restrooms, on the school campus, and at school-sponsored activities; give positive reinforcement for acceptable behavior; demonstrate, by word and personal example, respect for law and order and self-discipline; refer to administrator or counselor any student whose behavior requires special attention; and, inform parents/guardians regarding student achievement and behavior while consulting with parents/guardians whenever necessary.

#### D. Role of the Principal

The primary responsibilities of the school Principal are to direct, manage and provide leadership in developing instructional, disciplinary and co-curricular programs for students appropriate to their needs and the overall objectives of the North Colonie Central School District. The school Principal shall create an appropriate teaching/learning atmosphere by exercising all authority assigned by the superintendent of Schools and the Board of Education. A leadership role shall be taken in establishing reasonable rules and regulations for the well-ordered operation of the school and making these known to the parents, students, and staff. Referrals of misconduct shall be received and acted upon in accordance with school regulations or policy. The Principal's role shall promote by word and personal example, a respect and genuine concern for others, for law and order and for self-discipline. The Principal should strive to become acquainted with members of the student body through classroom visitations and attend school activities as well as maintain open lines of communications between home and school.

#### E. Role of the Board of Education, Superintendent and District Administrators

The Board shall be responsible for the overall educational program of the district. This responsibility has four major elements: planning, policymaking, evaluating and reporting. In carrying out these responsibilities, the Board will determine educational goals, education programs, provide facilities, employ personnel, enforce policy, and establish a planned program of public relations and cooperate with other community agencies to accomplish these pre-determined goals. In fulfilling their roles, the North Colonie Board of Education, Superintendent and District Administrators shall maintain a well-trained staff at all levels; give support to the staff charged with the responsibility for enforcing discipline in accordance with district policies, Commissioner's Regulations, and federal and New York State Law; develop programs which provide for students with special needs; be fair and consistent in making final decisions regarding those students whose behavioral problems

have been referred to the Superintendent; and, whenever possible, become acquainted with the schools, staff and students by visiting buildings regularly and be attending school activities.

### III. PROCEDURES FOR IDENTIFYING AND HANDLING DISCIPLINE PROBLEMS

It is expected that teachers will handle most discipline problems themselves; however, in situations where a teacher feels satisfactory progress has not been attained, the problem should be referred immediately. A classroom teacher's primary resource in referring a disciplinary problem at the elementary level is the Building Principal, while in the secondary schools, problems are referred to the student's Hall Principal.

Teachers shall inform the appropriate administrator of anticipated difficulty and not wait until a crisis arises. It is only after the teacher has exhausted the normal discipline procedures a student should be referred to the Hall Principal. Further information regarding a student may be received from the guidance counselor and/or school nurse.

When it becomes apparent that a student is not responding to normal classroom disciplinary action, the teacher shall compile a written record of incidents, and actions taken, to be forwarded to the Hall or Building Principal. If a teacher wishes to keep a student after school at the elementary or junior high level, the parent must be notified. At the high school level, the student must be given the opportunity to make the necessary arrangements. The student's school day, which extends for approximately 1 ½ hours beyond the regular dismissal time, can be used, when needed, for detention, and other supervised, assigned activities designed to address the student's behavioral concerns. The appropriate administrator will be responsible for coordinating staff efforts and ensuring good communication with all staff who have responsibilities for that student. Parents will be involved at the appropriate time as determined by the teacher, Hall Principal, or Building Principal.

When a student is identified as having a serious and/or chronic discipline problem, a case conference may be held to review all aspects of the student's school responsibilities. The case conference will include the appropriate classroom teacher, counselor, school psychologist, and Hall or Building Principal. The object of the case conference is to develop a comprehensive plan to improve the student's behavior and/or academic standing.

All students, including those with disabilities, are expected to adhere to all school behavioral codes. Disabled students with chronic discipline problems must be referred to the School's Pupil Service Team. If the Pupil Service Team concludes that the child's program and/or placement should be reviewed it will immediately refer a Section 504 student to the Section 504 team or an IDEA classified student to the District's Committee on Special Education ("CSE"). In the first instance, the Section 504 team or the CSE should review the student's program and placement to ensure appropriateness. The Section 504 team or CSE may, if appropriate, amend a child's Section 504 Plan or IEP. Additionally, whenever a disabled child is to be suspended, the Building Administrator must inform the Building's Section 504 Coordinator or Director of Special Education so that reviews regarding the child's program and placement will take place.

A classified student's suspension for more than ten (10) consecutive days or ten (10) school days in a school year if based on a similar pattern of suspensions or removals is considered a change of placement. Except in limited situations, a change of placement for such student may only occur if the conduct in question was not caused by or had a direct and substantial relation to the student's disability or the conduct in question was not caused as a direct result of failure to implement the child's Individualized Education Program

("IEP"). Such determinations, known as a "manifestation determination," shall be conducted by a manifestation team which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school district.

Upon determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a non-disabled student except that the student shall continue to receive services in accordance with his/her IEP. If it is found that a student's problematic behavior is a manifestation of his/her disability, the CSE must conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan. That student must also be allowed to return to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the Behavioral Intervention Plan. However, even in cases where a manifestation is found, the Superintendent may place the student in an interim alternative educational setting ("IAES") if the student has inflicted serious bodily injury, possessed a weapon or illegal drugs at school. Likewise, a student may be placed in an IAES by an Impartial Hearing Officer ("IHO") upon a determination that there is substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. Students may only be placed in an IAES up to 45 school days by an IHO or by the Superintendent.

All disabled students, whether subjected to a long term suspension or placed in an IAES shall be provided with services, as determined by the CSE, necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a Functional Behavioral Assessment, Behavioral Intervention Services and modifications that are necessary to address the behavior violation so that it does not recur. In all such cases, the CSE shall review the child's IEP to determine its appropriateness to meet the child's educational and behavioral needs. If the child's parent challenges a manifestation team determination or an IAES placement by the Superintendent or IHO, the parent is entitled to an expedited Due Process Hearing but the child shall remain in the IAES pending the decision of an IHO or until expiration of the time period determined by the Superintendent or IHO.

Confidentiality: Student records will be maintained by the school district for use by appropriate district personnel in developing the best possible educational program for each student. Parents or legal guardians are entitled to inspect the student's cumulative record. The parent/guardian is afforded the opportunity through a hearing to challenge the accuracy or content of the child's records. A student over the age of 18 is given the same rights as his/her parents/guardians.

IV. DISCIPLINARY OVERVIEW: The consequences listed are options and not necessarily sequential, depending on the seriousness of the offense. They will be applied at the discretion of the administrator.

Discipline may result in any one, or combination of consequences, depending upon the seriousness of the act.

<b>STUDENT MISBEHAVIOR</b>	<b>RULE VIOLATION</b>	<b>POSSIBLE CONSEQUENCES</b>
Academic Fraud and Cheating	Admin. Regulation/ Regents Regulation	Reduce grade or '0', parental contact
Threat of/or Assault of school personnel or other students	BOE Policy #1520 Admin Regulations	Superintendent Hearing, suspension, internal restriction, parental contact, warning
Attendance/Truancy	BOE Policy #5100 Commissioner's Reg.	Family Court, internal restriction, detention, loss of course credit, loss of participation in school activities, parental contact
Bus Discipline	Extension of all school rules	Suspension, internal restrictions, loss of bus privileges, detention, parental contact, warning
Class Cutting	Admin. Regulation	Internal restriction, detention, parental contact
Tardy	Admin. Regulation	Family Court, detention, internal restriction, parental contact, warning
Conduct Endangering Safety, Morals or Welfare of Self or Others	Admin. Regulation BOE Policy #5300	Family Court, police involvement, Superintendent Hearing, suspension, internal restriction, detention, parent contact, warning

Disruptive Action	Admin. Regulation	Suspension, internal restriction, detention, parental contact, warning
Dress-Inappropriate	Commissioner's Decisions	Suspension, removal from class, parental contact, warning
Discrimination and/or Slurs Based on Race, Religion, Color, Sex, Sexual Orientation, National Origin, Age, Marital Status, Disability, Genetic Status, HIV or Hepatitis Carrier Status	Board of Education Policies #5010 or #5020.1	Superintendent Hearing, Suspension, internal restrictions, detention, parental contact
Field Trips – Misconduct	Admin. Regulation	Suspension, detention, loss of trip privileges, parental contact, warning
Fighting	Admin. Regulation	SHS/JHS: Superintendent Hearing, automatic suspension, elementary schools: suspension, internal restriction, detention, parental, contact, warning
Harassment	Board of Education Policies #5010 and #5020.1	Superintendent Hearing, suspension, internal restriction, detention, parental contact, warning
Homework – Failure to Complete	Board of Education Policy #4730	Grade reduction, detention, deny privileges, parental contact, warning
Inappropriate Language	Admin. Regulation	Superintendent Hearing, suspension, internal restriction, detention, parental, contact, warning
Insubordination	Admin. Regulation	Superintendent

		Hearing, suspension, internal restriction, detention, parental, contact, warning
Misuse of Technology	Board of Education Policy #5300	Superintendent Hearing, police, suspension, loss of use of technology, detention, warning
Privileged Activities - Violations	Board of Education Policy #5210.1	Suspension, internal restriction, detention, parental contact, warning, verbal explanation
Public Display of Affection	Admin. Regulation	Internal restriction, detention, parental contact, warning
Sexual Harassment	Board of Education Policy #5020.1	Superintendent Hearing, suspension, detention, internal restriction, parental contact, warning
Smoking/Tobacco Products	Board of Education Policy #5312.3	Superintendent Hearing, suspension
Substance Abuse: Under the Influence of, Use, Sale, Possession	Board of Education Policy #5312.1	Superintendent Hearing, police, suspension
Substantial Disruption of Classes	Board of Education Policy #5313.4	Suspension, internal restriction, teacher removal from class for up to 2 days, detention, parental contact, warning
Theft	Admin. Regulations	Police involvement, restitution, suspension, internal restriction, detention, parental contact

Vandalism	Admin. Regulations	Restitution, police, suspension, internal restriction, detention, parental contact
Weapons	Board of Education Policy #5312.2	Police, Superintendent Hearing, suspension

NOTE: EVEN WHERE SUSPENSION IS NOT LISTED, A SINGLE FLAGRANT VIOLATION OR CONTINUED VIOLATION, DEPENDING ON THE SERIOUSNESS OF THE OFFENSE, CAN RESULT IN IMMEDIATE SUSPENSION, REFERRAL TO POLICE, FAMILY COURT, OR BOARD OF EDUCATION. A SUPERINTENDENT HEARING MAY RESULT IN A LONG-TERM SUSPENSION OR EXPULSION.

#### V. SUSPENSION OF STUDENTS FROM REGULAR ATTENDANCE

Suspension is a serious disciplinary action and will be invoked in all serious disciplinary matters. Every effort shall be made to notify the parent or guardian prior to the end of the day on which the student is suspended. Suspended students will not be sent home before the normal dismissal time without permission from the parent or guardian. In all cases of suspension, a formal notification will be sent to the person in parental relationship explaining the reasons for and dates of suspension.

The Board of Education, and the Superintendent of Schools, have delegated to the Building Principal the authority to suspend a student for a period of up to and including five (5) school days. Prior to the suspended student's return to school, a formal reinstatement conference will be held by the Building and/or Hall Principal with the suspended student and person in parental relationship to the student.

Suspensions in excess of five (5) school days may be imposed by the Superintendent. A student may not be suspended for more than five (5) school days unless the student and the person in parental relationship to the student have had an opportunity for a hearing before the Superintendent. The Superintendent will hold hearings relating to suspensions of more than five (5) school days in cases where the law limits to ten (10) days the total number of days a student may be suspended. Other potential long-term suspension hearing will be heard by the Superintendent.

At such hearings, the student has the following rights:

1. to be represented by counsel;
2. to present witnesses;
3. to testify regarding the subject of the charges; and,
4. to refrain from testifying.

A record of the hearing must be made by stenographic transcript or tape recording.

## VI. IN-SERVICE OF ALL DISTRICT STAFF MEMBERS

Each year, as part of the first week of staff activities, the Building Administrator will review the disciplinary code explaining options open to staff and the administrative assistance available. At least once a year, additional review will be available to the building level as scheduled by the Principal.

**Cross-ref:** 5020.1, Prohibition of Sexual Harassment  
5215, Student Privileged Activities  
5311.3, Student Complaints and Grievances  
5312, Prohibited Conduct  
5320, Student Conduct on School Buses

**Ref:** Goals 2000: Educate America Act, P.L. 103-227, §1017 (Pupil Privacy Protection Act)  
20 USC §1232H  
Education Law §§2801; 3214  
8 NYCRR §100.2(1)

**Note:** Prior policy, Student Conduct and Discipline, 5131(a)-(m)

Policy Adopted: November 11, 1963  
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