



2022-23 Code of Conduct

Welcome



*An Equitable
Community of
Lifelong Learners*

Dear Students, Families, and Colleagues,

I'm pleased to introduce our district's Code of Conduct. Our Code of Conduct applies to students, staff, and visitors when they are on our school campuses or engaged in school-sponsored activities that are held off-campus. In this document, we set high expectations and standards for personal conduct to which we must hold ourselves and each other accountable. The Code of Conduct is one of many strategies we employ to ensure a safe, positive and purposeful school environment.

Our code also affirms the value our district assigns to social and emotional supports and restorative practices. At the center of our approach is a continued commitment to equity and the dignity of each member of our school community.

Our Code of Conduct is an important tool to help us achieve our ambitious vision of being **an equitable community of lifelong learners**. Please review this document carefully and use it as a guide throughout the school year.

By adhering to our code of conduct, we are demonstrating our commitment to the ideals of community and school citizenship that make Niskayuna such a great place to learn, work, and grow.

Sincerely,

Carl J. Mummenthey
SUPERINTENDENT OF SCHOOLS



Introduction

Why do we have a code of conduct?

The goal of the Niskayuna Central School District Code of Conduct is to ensure that the right of all students to receive an education in a safe, civil, engaging and caring environment is met. For our schools to be safe and supportive environments, everyone within the school community must demonstrate and offer respect.

The code of conduct serves as a guide to engaged citizenship, promoting positive behavior and helping students understand expectations that are based on the principles of mutual respect, citizenship, character, acceptance, honesty and integrity. Students are expected to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, school personnel and other members of the school community as well as for the care of school facilities and equipment.

The board of education recognizes the need to clearly define expectations for acceptable conduct and identify the possible responses to unacceptable conduct. Levels of behavior concerns, violations and responses, interventions and consequences are outlined in the code of conduct.

The code of conduct applies to all students while in Niskayuna Central School District school buildings, on school grounds, in school vehicles and at all school, school-related and district-sponsored activities, including those held at locations off school property. It also applies at non-school events when behavior can negatively affect the educational process or endangers the health, safety, morals or welfare of the school community.

The Niskayuna Central School District Code of Conduct ensures that students have equitable access to behavioral support and intervention and that race, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender expression are not predictors of student achievement.

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All children are capable of achieving their personal best and can improve behavior with guidance, instruction, support and coaching.



Beliefs about Children, Learning, Our Work

All of our students will be treated in a fair, consistent and non-discriminatory manner. We must ensure that all students have what they need for academic success. Supporting positive student behavior requires a high level of commitment from students, parents, guardians, staff, administrators, and members of the Board of Education. These stakeholder groups have rights and responsibilities that are designed to reflect both the mutual respect and accountability required of all people involved in supporting student behavior. The rights and responsibilities of each group are outlined in the Rights and Responsibilities Section.

Equity is the main pillar of our work.

1. Eliminate the disparity in opportunities so as to ensure success for all students
2. Interrupt the reproductive practices that negatively impact diverse students
3. Cultivate the unique gifts of each student

All children are capable of achieving their personal best and can improve behavior with guidance, instruction, support and coaching.

Students should not be asked, "what is wrong with you?" They should instead be asked, "what has happened to you?"

Students need varying kinds and amounts of time, attention, and support to succeed academically and achieve at high levels. Students are more likely to make positive decisions when:

- They understand the positive behaviors that are expected of them
- They feel that staff members care about them and will help them learn and grow
- They feel respected
- All staff consistently uses the same vocabulary and practices
- All staff provides positive feedback for appropriate behavior and best effort



Guiding Principles

The Niskayuna Central School District Code of Conduct is based on key principles for ensuring that our schools are safe, healthy and supportive environments.



Policies and practices must be implemented in ways that are considered to be respectful. Adults are expected to protect the dignity of every student and ensure a tone of decency, compassion and respect.

All adults have an obligation to help students learn to be good citizens by:

- Helping kids learn right from wrong
- Fostering in them a desire to make good decisions
- Encouraging them to take responsibility for their actions and words
- Modeling behaviors that we want to cultivate

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Improving educational outcomes for all students requires that schools provide support and that behavior support is directed at addressing academic learning gaps and the causes of misbehavior. Prevention and intervention strategies may include more personalized instruction, support, service and programming to address personal and family circumstances and social-emotional learning. Examples of strategies include conflict resolution, peer mediation, anger management, behavior replacement strategies, circles and other restorative interventions.

School personnel are responsible for developing and using strategies that promote learning and positive behavior in school, and for addressing behaviors which disrupt learning.

Administrators, teachers, counselors, social workers, psychologists, other school staff and parents are expected to engage students in the intervention and prevention strategies that address behavioral issues.

Guiding Principles: Restorative Practices

Student discipline, policies and practices should be implemented in ways that are accountable and restorative. Students and families need to know that the school will provide interventions inside and outside the classroom that support a restorative, rather than punitive, response. Students have the opportunity to accept assigned consequences and fully participate in the interventions designed to address specific behaviors. **These interventions require students to own the problem, reflect on the impact of their behavior on themselves and others and understand why the behavior was unacceptable or inappropriate.** It does not mean there are no other consequences to the behavior, but we know that administering consequences without re-teaching and reflection does little to change behavior in the long run.

We need to be aware that the person whose actions we are attempting to correct, must be in a place where they admit they were wrong, and they want to make amends or alter their behavior.

- What happened?
- What were you thinking about at the time?
- What have you been thinking about since?
- Who has been affected by what you have done?
- In what way have they been affected?
- What needs to be done to make things right with this teacher, student or another person so you can access your education?

Restorative practices and the use of affective statements are practices on a continuum. These can lead to restorative justice for larger offenses that would usually involve long-term suspension or involvement with law enforcement.

Examples of Restorative Practices:

Affective Statements refer to the tone in which we speak to students to build relationships and show we care about the student. For example, "I liked the way you worked for the whole class period today," is more effective than, "good job."

Classroom Circles can be used as a response to wrongdoing and as a vehicle for discussion while creating respect and classroom norms. These could be used from the beginning of the school year so that students understand how they work before significant issues need to be discussed.

Restorative Conference is a formal response to wrongdoing where the facilitator helps all parties explore what happened and who was affected. This can be done with a facilitator, teacher and a student after a disruption to the learning environment has occurred.

Restorative Reflections is an exercise in which students complete a writing assignment and go through the restorative questions and steps as they try to reflect on their actions and make a better plan for the future.

The district will support this by:

- Leading training opportunities for staff
- Providing resources for meeting the goals of the code of conduct
- Continuing to build community partnerships
- Engaging in creative thinking to support all students
- Creating Professional Development opportunities for school teams to collaborate
- Sharing data and reviewing other schools implementation and practices



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Guiding Principles: Diversity and Equity

The Niskayuna Central School District defines equity as our commitment to ensuring that all students are able to fully access educational experiences and services in our schools — and understanding and eliminating necessary barriers to achieving this. It is doing everything it takes to ensure that all students feel valued, safe, and welcome. Equity is not giving all students the same experience; it is about giving each student what they need so that they can meet their potential and have full access to the opportunities that make up a Niskayuna education.

This requires building authentic relationships with students and families and embracing the unique perspectives and contributions of all in our community.

Our commitment to diversity and equity will help guide how we create and implement student discipline, policies, and practices. This means working with parents, guardians, and caregivers as partners when addressing student behavior issues. Also, it means further developing our capacity as culturally responsive practitioners in and outside of the classroom.

Guiding Principles: Social Emotional Learning (SEL)

Niskayuna is invested in supporting students to develop self-awareness and self-management skills essential to success in school and in life. This support is integrated into our daily interactions with students promoting social-awareness and interpersonal skills that establish and maintain positive relationships. Niskayuna encourages all students to develop and demonstrate ethical decision-making skills and responsible behaviors in personal, school, and community contexts.

The ability to recognize the thoughts, feelings, and perspectives of other individuals, including ideas and viewpoints that are different from one's own, and to empathize with others from diverse backgrounds, is central to forming and maintaining positive relationships at all life stages.

Guiding Principles: Pro-Social Behavior

Each Niskayuna school is expected to promote a positive school climate and culture that provides students with support so that they can grow both academically and socially. Schools are expected to take a proactive role in nurturing students' pro-social behavior by providing a range of positive behavioral supports as well as meaningful opportunities for social-emotional learning. Effective social-emotional learning helps students develop fundamental life skills.

Guiding Principles: Student Engagement

Engagement is integral to creating a positive school climate and culture that effectively fosters belongingness, academic achievement and social-emotional growth. Providing students with ample opportunities to participate in a wide range of pro-social activities and develop a bond with caring, supportive adults, positively influences behavior. A few examples include providing students with opportunities to share ideas and concerns and participating in school-wide initiatives.

Guiding Principles: Expectations, Respect and Accountability

It takes the commitment and responsibility of all staff for the healthy development of students including modeling the skills, behaviors and mindsets that they seek to cultivate in students. All staff is urged to set high expectations for student success, build positive relationships with students and model how to behave successfully in school settings.



Rights and Responsibilities

All members of the school community must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate and one that promotes learning.

Students

- Students learn best when adults serve as active positive role models.
- Students learn best when they learn to celebrate differences.
- Students learn best when respect and civility are modeled by all.
- Students learn best when expectations are clearly defined and consistently enforced.

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of and in accordance with policies and procedures established by the Niskayuna Central School District Board of Education.



Students have the **RIGHT** to:

- Be afforded a sound, quality education in a school environment that is safe, orderly and promotes learning.
- Be respected as an individual, treated fairly and with dignity by other students and school staff.
- Organize, promote and participate in student activities and clubs as part of the formal education process or as authorized by the school principal.
- Provide representation on appropriate school-wide committees that influence the educational process as designated by school personnel.
- Participate and express opinions through the publication of school newspapers and newsletters with oversight from faculty advisors.
- Exercise freedom of inquiry and expression, written and oral, within appropriate limits under the law and provided that the rights of others are not diminished.
- Be protected from intimidation, harassment or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender, gender identity, sexual orientation, or disability, by employees and students on school property or at any school-sponsored event, function or activity.

Students have the **RESPONSIBILITY** of:

- Owning and being active participants in their learning. Attending school daily, arriving on time and being prepared to learn.
- Being truthful and accountable for their words and actions. Respecting themselves and others in class, on school grounds, on buses and any school-related activity.
- Respecting the rights and feelings of fellow students, parents, school staff, visitors and guests.
- Knowing and complying with school district rules and policies.
- Making an effort to correct and improve behavior through restorative interventions.
- Expressing thoughts and opinions in ways that are respectful.
- Respecting others' personal space.
- Participating in learning communities, including helping to formulate rules and procedures in the school, engaging in school-related activities and fostering a culture of respect for learning and for others.
- Seeking help and assistance when needed. Taking care of property that belongs to others or the school.
- Helping to make school a community that is free from violence, intimidation, bullying, harassment and discrimination.

Parents, Guardians and Caregivers

Parents, guardians and caregivers have the right to be active participants in the learning process, to express views and to provide input into decisions that affect their children. They are vital to the success of students in school. Parents, guardians and caregivers should have high expectations for their children. They are always welcome into our schools.

They are vital to
the success of
students in school.

Parents, guardians and caregivers have the **RIGHT** to:

- Be actively involved in their children's education.
- Be treated courteously, fairly and respectfully by all school staff.
- Receive timely information about policies and procedures that relate to their children.
- Receive regular reports from school staff regarding academic progress and behavior.
- Receive notification and information of inappropriate or disruptive behaviors by their children and disciplinary actions taken.
- Receive information about due process procedures for disciplinary matters concerning their children.
- Receive information about ways to improve their children's progress including counseling, tutoring, after-school programs, academic programs and mental health services.
- Receive information about services for students with disabilities and English language learners.
- Be contacted when their child is believed to have committed a crime or when police are called.
- Receive communication through provided translators.

Parents, guardians and caregivers have the **RESPONSIBILITY** of:

- Providing updated contact information to the Niskayuna Central School District Student Registration Office and their child's school.
- Making sure that their children attend school regularly and on time.
- Letting school know when and why children are absent.
- Telling school officials about any concerns or complaints.
- Supporting their children by providing an environment suitable for learning and developing good study habits.
- Working with school staff to address any academic or behavioral problems their children may be facing.
- Talking with their children about behavior expectations.
- Teaching and modeling respect.
- Advocating for their children and taking an active role in the school community.
- Attending parent/teacher conferences and monitoring their children's grades and progress.
- Being respectful and courteous to staff, other parents, guardians, caregivers and students while on school premises or when participating in school-related events.
- Teaching children that all children have the right to attend school and be treated with respect and dignity regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.

Educators

Educators (Teachers, Principals, Related Support Professionals & all staff) have the **RIGHT** to:

- Work in a safe and orderly environment.
- Be treated courteously, fairly and respectfully by students, parents/guardians and other school staff.
- Communicate concerns, suggestions and complaints.
- Receive supportive professional development and training.
- Receive necessary resources.



Educators have the **RESPONSIBILITY** of:

- Fostering and nurturing so that students develop as learners both academically and socially.
- Recognizing that children should be subject to behavior management, support and discipline policies appropriate with their ages and levels of understanding.
- Being respectful and courteous to students, parents, guardians and caregivers.
- Serving as role models for students.
- Cooperating and scheduling conferences with students, parents and others in an effort to understand and resolve academic and behavioral concerns.
- Making every effort to accommodate families whose work schedules, access to transportation or distance from school, limits their ability to meet or participate.
- Keeping parents informed of their student's progress, challenges, effort and achievements.
- Encouraging students to participate in classroom, extracurricular and other school-related activities.
- Knowing and enforcing rules, policies and procedures consistently, fairly and equitably.
- Confronting issues of discrimination and harassment in any situation that threatens the emotional, physical health or safety of any student, employee or person who is on school property or at a school function and reporting incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, counselor, administrator, staff member or to the dignity act coordinator.
- Ensuring that race, economics and disability are never predictors of student achievement.

Principals

Superintendent

Board of Education

Principals have the additional RESPONSIBILITY of:

- Promoting a safe, supportive and orderly school environment for all school community members, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Reviewing the code of conduct and procedures for reporting incidents with all staff at the beginning of the school year. Ensuring all staff participate in mandated yearly training such as The Dignity for All Students Act (DASA), school violence prevention and mental health first aid.
- Maintaining confidentiality and respecting student and parent rights to privacy.
- Developing the capacity of staff, students and families to intervene regarding behavioral concerns.
- Ensuring that race, economics and disability are never predictors of student achievement.
- Communicating with educators, students and parents/guardians interventions/consequences when applied using the code of conduct.

The Superintendent has the RESPONSIBILITY of:

- Promoting a safe, supportive and orderly school environment for all school community members, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Reviewing the policies of the board of education and state/ federal laws, relating to school operations and management, with all district administrators.
- Maintaining confidentiality and respecting student and parent rights to privacy.
- Working with district administrators to enforce the code of conduct and ensuring that all incidents are resolved promptly and that students are treated fairly and equitably.
- Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, employee or person on school property or at a school function.
- Ensuring that race, economics and disability do not predict student achievement.

Members of the Board of Education have the RESPONSIBILITY of:

- Promoting a safe, supportive and orderly school environment for all school community members regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Approving the Niskayuna Central School District Code of Conduct annually.
- Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or person who is lawfully on school property.
- Ensuring that policies promote and ensure equity.
- Maintaining confidentiality and respecting student and parent rights to privacy.

Visitors



Parents and other District residents are encouraged to visit the schools under the following conditions:

- All visitors must report to the Main Office upon arrival, present photo identification and obtain a visitor's badge, which must be worn throughout the visit and returned upon departure.
- Visitors attending school functions that are open to the public, and held outside regular school hours such as PTO meetings, concerts, or public gatherings, are not required to register.
- Parents or residents 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.
- Teachers are not expected to take class time to discuss individual matters with visitors.

- Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants it.
- All visitors are expected to abide by the rules for Public Conduct on School Property contained in this Code of Conduct.

Public Conduct on School Property

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

Prohibited Conduct

No person singly or in concert with others, shall:

- enter any unauthorized areas of the school building or campus without proper authorization;
- willfully cause or threaten physical injury to any other person who is behaving lawfully;
- physically restrain, detain or remove such a person;
- willfully damage or destroy school property nor use or remove such property without permission;
- enter any private school office without first obtaining permission;
- without authorization, remain in any school building after it is normally closed;
- refuse to leave any school building upon the request of a staff member;
- obstruct the free movement of persons or vehicles on school property;
- refuse to follow traffic and parking procedures
- disrupt classes or deliberately interfere with any person's freedom of speech;
- possess any firearm or weapon on school property unless so authorized by the Superintendent; and/or
- willfully incite others to commit any prohibited act.

Penalties and Procedures

Anyone who violates these rules shall be subject to the guidelines set forth in Appendix A as well as the following penalties:

- Non-students/staff shall be subject to ejection;
- Students shall be subject to ejection pursuant to this Code of Conduct;
- Faculty members shall be subject to ejection, warning, reprimand, suspension and other disciplinary actions given in the Education Law;
- Classified service staff members shall be subject to ejection and the disciplinary actions set forth in §75 of the Civil Service Law;
- Other staff members shall be subject to ejection, censure, suspension without pay and dismissal;
- A person who refuses to leave school property when requested to do so may be subject to arrest.

For additional details on prohibited conduct, see the following Niskayuna Board of Education policies:

Policy 3410 Code of Conduct on School Property

Policy 3420 Non-Discrimination and Anti-Harassment in the School District

Policy 3450 Anti-Racism Policy

Attendance

Students are expected to attend class daily as required by state law. Such attendance creates an environment that fosters subject competency, continuity of learning, and responsibility, which are all integral to the educational process. Active student participation is an integral part of the school curriculum. Students are required to attend classes every school day unless excused for a valid reason. Acceptable reasons for absences and/or tardiness are (As per District attendance policy):

1. Personal illness or injury
2. Death or emergency illness in the immediate family
3. Religious observance
4. Required court appearance
5. Medical and dental appointments
6. School sponsored events
7. College interviews and career development or explorations programs approved by the principal
8. Late arriving bus
9. Impassable roads or weather making travel unsafe
10. Music lessons
11. Driver's road test
12. Any other reason as authorized in the discretion of the building principal

Although days missed for the above reasons are considered excused absences, students must realize that their school work can suffer if they are out of class too often. Students and parents are responsible for keeping informed of makeup work for time missed in class, whether the absence is excused or unexcused.

Illness During the School Day

For health and safety reasons a student who becomes ill or who is injured during the school day, must report to the school nurse. If, in the opinion of the nurse, the student is too ill to continue to school, the nurse will contact the parent or other designated adult to make appropriate arrangements for the student to get home.

In the event that the nurse is not able to make contact with the parent or designated adult, the student shall be offered the opportunity to remain in the nurse's office. If the student would prefer to return to class, it will be the nurse who makes a nursing assessment that determines whether the student is able to return to classes. The Main Office will be notified so that the student will not be charged with unauthorized absences.

**Active student participation
is an integral part of the
school curriculum.**



Return from Absences/ Additional Attendance Procedures

- 1.** Students must attend all classes.
- 2.** Students should notify a teacher if they will be out of the class for any reason (early dismissal, nurse's office, counseling office, main office, music lessons).
- 3.** Students will remain in school all day unless granted early release at parental or legal guardian's request.
- 4.** Students who are tardy to school will report to the attendance office to check in, and must present an excuse signed by the parent or legal guardian.
- 5.** Students who are tardy to class will report to the class and explain to the teacher why they are tardy. Tardiness to class is excused for:
 - a.** Personal illness or injury as verified by the school nurse
 - b.** Late buses
 - c.** Counseling appointments
 - d.** Nurse's office
 - e.** Main office visit
 - f.** Others as deemed necessary by the principal
- 6.** When reporting to class students will have a pass verifying the reason for their tardiness. If warranted, the teacher will assume responsibility for discipline.



Early Dismissal

The student is required to bring a written statement clearly defining the reason for any early dismissal. This note will be given to the homeroom teacher, preferably the day before the appointment. The parent or legal guardian is required to come to the main office and meet the student there when dismissed early. The parent or legal guardian is responsible for signing the child out at that time. No student is to leave the building without permission from an authorized school person.

Academic Integrity

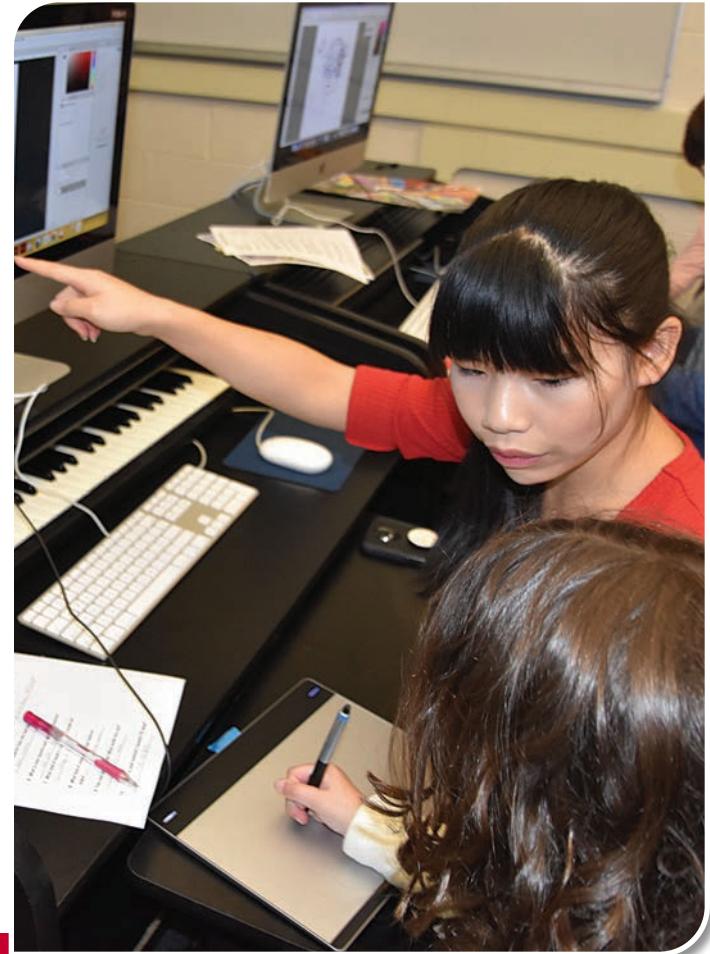
As part of a school community, students and faculty have the duty and responsibility to promote academic integrity. This means that students are responsible for completing their own work. The purpose of assignments is to develop the skills and measure the progress of each student. Students learn more and attain a feeling of accomplishment through their own hard work and initiatives.

One aspect of academic integrity that is very important throughout a person's lifetime is acknowledging sources. Learning how to acknowledge sources begins in elementary school, but is taught and refined over time through the middle school years to prepare students for high school and college. Among other things, this includes using quotation marks and footnotes and citing sources where appropriate.

Students should follow these rules of academic integrity:

- 1.** Do your own work.
- 2.** Don't let others use or copy: classwork, homework, quizzes and tests. Others should not get credit for work that you have done.
- 3.** If you are helping someone, do not do the work for him or her.
- 4.** If you are working in a group, follow the teacher's directions on sharing work.
- 5.** Be truthful.
- 6.** If you are uncertain about the directions, ask the teacher for clarification.

Students who fail to follow these rules will face disciplinary consequences.



Students learn more and attain a feeling of accomplishment through their own hard work and initiatives.

Drug and Alcohol Abuse

The possession of drugs, drug paraphernalia, synthetic narcotics, non-prescribed medications, or alcohol or the consumption of drugs or alcohol during school hours or at any interscholastic or co-curricular event or other school-sponsored activity is strictly prohibited. No student may come to school or a co-curricular event or other school-sponsored activity, on or off campus, after the student has consumed alcohol or drugs or synthetic narcotics, non-prescribed medications, when in possession of drugs, synthetic narcotics, non-prescribed medications, drug paraphernalia or alcohol. The penalties for such conduct may include not only suspension, but following suspension, exclusion from any and all co-curricular interscholastic or other school-sponsored activity.

Reimbursement for Damaged or Stolen Property

Students who damage or destroy school property shall reimburse the District for the cost of repairing or replacing the affected school property. Students who have stolen property shall reimburse the person from whom the item(s) were stolen.



Other Laws and District Policies

Smoking or Use of Tobacco Products

The use or possession of tobacco products or accessories, e-cigarettes or vapor instruments and/or products and dab pens and/or cartridges of any kind by students in school buildings, on school property or in vehicles owned or operated by the District or at school sponsored events is prohibited. Violation of the Code of Conduct regarding tobacco use will result in parent notification, referral to the school counselor, other disciplinary action and may include additional education in the risks and health effects of tobacco use.

Sweets Law – New York State Education Law, Section 915

“Prohibiting the sale of certain sweetened foods,” provides as follows: “From the beginning of the school day until the end of the last scheduled meal period, no sweetened soda water, no chewing gum, no candy including hard candy, jellies, gums, marshmallow candies, fondant, licorice, spun candy and candy-coated popcorn, and no water ices except those which contain fruit or fruit juices, shall be sold in any public school within the state.” See District Policy 5661 *Wellness*.

State Law Prohibiting Bomb Threats

It is illegal for anyone to issue a bomb threat. As of December 1, 1999, the consequences for this crime have been increased from a Class A misdemeanor to a Class E felony (Chapter 561, Laws of 1999). Persons arrested for making bomb threats face felony prosecution, youthful offender or juvenile delinquency adjudication, as well as a one-year suspension of one's driver's license. Related laws permit municipalities, fire Districts and other emergency service providers to seek restitution for costs associated with their response to a bomb threat on school grounds. The amount may be up to \$10,000 in restitution to be paid by anyone convicted of reporting a false incident or bomb, up to \$5,000 to be paid by the parent of a child who makes a false report.



Levels of Behaviors and Responses

Niskayuna Central School District understands the importance of restorative practices when student behavioral issues affect the safety of the classroom and school and interfere with the learning of all students. When choosing interventions and consequences for student behavior, teachers, administrators and all staff must balance NCSD's goals of ensuring equity, minimizing disruptions and maximizing student instructional time. Consequences paired with meaningful instruction and guidance (corrective feedback and re-teaching) offer students an opportunity to learn from their mistakes.



In determining how to best address inappropriate, unacceptable and unskillful behaviors, it is necessary to evaluate all of the circumstances surrounding the behavior.

Guiding Principles: Restorative Practices

Student discipline, policies and practices should be implemented in ways that are accountable and restorative. Students and families need to know that the school will provide interventions inside and outside the classroom that support a restorative, rather than punitive, response. Students have the opportunity to accept assigned consequences and fully participate in the interventions designed to address specific behaviors. These interventions require students to own the problem, reflect on the impact of their behavior on themselves and others and understand why the behavior was unacceptable or inappropriate. It does not mean there are no other consequences to the behavior, but we know that administering consequences without re-teaching and reflection does little to change behavior in the long run.

We need to be aware that the person whose actions we are attempting to correct, must be in a place where they admit they were wrong, and they want to make amends or alter their behavior.

- What happened?
- What were you thinking about at the time?
- What have you been thinking about since?
- Who has been affected by what you have done?
- In what way have they been affected?
- What do I need to do to make things right with this teacher, student or other person, so I can participate and access my education?

Restorative practices and the use of affective statements are practices on the continuum that can lead to restorative justice for larger offenses usually involving long-term suspension or involvement with law enforcement.

Restorative Practices are interventions designed to hold students accountable for harm while addressing the needs of students, staff and the school community. Restorative practice may be defined as a way of thinking and responding to conflict and problems and one which includes all participants. Collectively, they determine a logical and balanced resolution. Examples of restorative practices include family group counseling, classroom circles, reparation of harm, therapeutic/resource strategies (mental health treatment, anger management and/or behavior coaching).

School officials refer to this code of conduct when determining which disciplinary intervention and consequence to impose while ensuring the wellbeing of everyone involved. Practices that allow educators to address behavior concerns as opportunities for learning instead of punishment are far more successful in changing a student's behavior than imposing punitive measures. In determining how to best address inappropriate, unacceptable and unskillful behaviors, it is necessary to evaluate all of the circumstances surrounding the behavior. There are many factors that must be considered before determining consequences and interventions, including:

- The student's age and health
- The students' disciplinary record
- Appropriateness of student's academic placement
- Disciplinary consequences and interventions applied in response to prior behavior violations
- Nature, severity and scope of the behavior
- The circumstances in which the conduct occurred
- Student's understanding of the impact of his or her behavior
- Seriousness of the behavior and the degree of harm caused
- Impact on overall school community
- The student's Individualized Education Plan (IEP), Behavioral Intervention Plan (BIP) and 504 Accommodation Plan, when applicable
- The student's response to intervention

Levels of Behavior Concerns and Resolutions

LEVEL 1 responses aim to teach, correct behavior and promote the practice of pro-social behaviors, self-discipline and healthy well-being.

Teachers are encouraged to try a variety of teaching and classroom management strategies. The responses are designed to prevent minor behavior issues from becoming major incidents.

Classroom interventions and responses may include, but are not limited to private conversation with student, student break, verbal correction, special seating, alternative activity, time and space for de-escalation, loss of privilege, parent contact/conference, teacher detention, behavior plan, restorative practices, referral to Student Support Team (SST).

LEVEL 2 behavior is more serious and often causes disruption to the school environment.

These behaviors may include a pattern of persistent level 1 behaviors. Interventions involve school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Responses might be similar to those in Level 1 and at times are more intensive and stretch beyond the immediate situation.

Administrative Interventions and responses may include, but are not limited to additional counseling, verbal correction, time and space for de-escalation, special seating, parent contact/conference, loss of privilege, detention, behavior contract, restorative practices, referral to Student Support Team(SST), in-school suspension, exclusion from extra-curricular activities, referral to outside community agency.

LEVEL 3 violations are more serious in nature and jeopardize order, safety and/or property damage.

These behaviors may include a pattern of persistent level 2 behaviors. Level 3 interventions may involve short-term removal of a student from the environment depending on the severity of the behavior. The duration of a suspension is to be limited as much as possible, while still addressing the behavior.

More intensive responses in Level 3 may include but are not limited to out-of-school suspension, temporary removal from class, restitution of property or repair of damage, informal meeting with school district personnel, campus or community service, and/or a family home visit and restorative practices.

LEVEL 4 behaviors threaten the safety and well-being of others.

These behaviors may include a pattern of persistent level 3 behaviors. Response to Level 4 behaviors may include removing the student from the classroom or school environment because of the seriousness of the behavior. The duration of removal should be limited, as much as possible, while still addressing the behavior.

Responses to Level 4 include all responses in Level 3 and/or more intensive responses such as 5-day suspension with formal hearing, referral to appropriate law enforcement agency, counseling or drug treatment program and/or diversion, restorative practices.

LEVEL 5 behaviors are the most extreme often using force, causing harm or injury, involving violence, possession or use of a weapon, causing substantial risk or a pattern of persistent Level 4 behavior.

Responses to Level 5 encompass all responses in Level 4 including 5-day suspension with formal hearing, referral to appropriate law enforcement agency, counseling or drug treatment program and/or diversion, restorative practices..

Interventions and consequences should be implemented in a culturally responsive and consistent manner across all schools and grade levels.

Behavior	Level 1	Level 2	Level 3	Level 4	Level 5
Alcohol, Drugs, Tobacco (also electronic): Possession and/or being under the influence of...					
...any tobacco product, vaping device, or any other nicotine inhaler (for example: a JUUL device, an electronic cigarette, etc...).			✓	✓	
...any beverage containing alcohol.			✓	✓	
...marijuana, or any drug other than marijuana (including possession of paraphernalia).				✓	✓
Buying or selling marijuana or any other drug or drug paraphernalia.				✓	✓
Disruptive and Uncooperative Behaviors					
Wagering in any form that involves activities with monetary stakes on school grounds or at school sponsored events.	✓	✓	✓		
Behavior that disrupts instruction and the learning of other students in the classroom, as well as disrupts school culture and climate.	✓	✓	✓	✓	
Lack of prompt, respectful compliance with directions or requests of any school staff member, including teachers, support personnel, secretaries, custodians, and bus drivers.	✓	✓			
Taunting, baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules, including failure to disperse from a fight or disruption when directed by adults.		✓	✓	✓	
Volatile Acts – Disorderly, violent, or threatening conduct of a serious nature that significantly disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises.			✓	✓	✓
Trespassing in unauthorized or unsupervised areas in the building. This includes but is not limited to, entering the classroom or building before or after school.		✓	✓		
Being in the hallway without permission and not returning to class when directed by school staff.		✓	✓		
Circumventing school safety protocols, including opening secured exterior doors to permit access to another person.		✓	✓		
Any serious misconduct not otherwise addressed within this Plan that directly or indirectly jeopardizes the health, safety or property of a school, the School District, school personnel, other students, one's self, or other individuals who are present or acting within the school's jurisdiction.			✓	✓	✓
RESPONSE LEVEL 1	Teacher and/or staff Intervention				
RESPONSE LEVEL 2	Administrative Intervention				
RESPONSE LEVEL 3	Administrative Intervention-short term removal from learning environment.				
RESPONSE LEVEL 4	Intensive Administrative Intervention and lengthier removal from learning environment				
RESPONSE LEVEL 5	Intensive District Administrative Intervention and Discipline With Potential Long-Term Removal from School, or alternate placement.				

Behavior	Level 1	Level 2	Level 3	Level 4	Level 5
Attendance Issues					
Student absence without the knowledge of the parents.		✓	✓		
Leaving class or school grounds without permission or arriving late without permission.	✓	✓	✓		
Failure to respect materials, property of others					
Failure to respect materials, property, and stealing from others (including, but not limited to, stealing and/or damage to cell phones, other electronic devices and credit cards/debit cards).		✓	✓	✓	
Academic Integrity					
Cheating and plagiarism, individually or as part of a group.	✓	✓	✓		
Firearms/Weapons					
Possession of a toy weapon where the toy weapon is used to threaten, intimidate, or harm another person or to cause a disruption.			✓	✓	
Possession of a weapon, other than a firearm or other gun.			✓	✓	
Possession of and actual, attempted, or threatened use of a weapon, including firearm, or other weapons toward another person or to cause a disruption. Examples include, but are not limited to, BB guns, pellet guns, flare guns, and air rifles.					✓
Fires/Explosives/Flammables					
Setting a fire, or attempting to set a fire, activating the school's fire and/ or other alarm systems, making a false alarm call to 911.				✓	✓
Possession or use of fireworks, a smoke bomb, munitions, pepper spray/gas, MACE, tear gas, stink bomb, or any inherently dangerous substance/ object, or any illegal device, illegal product, or illegal material that is not specifically covered elsewhere within the Behavior Education Plan.				✓	✓
Forgery					
Writing the name of another person to be represented as a writing or original signature of that other person or altering any written record or document (such as dates, times, passes, and permits) without permission.	✓	✓			
RESPONSE LEVEL 1 Teacher and/or staff Intervention RESPONSE LEVEL 2 Administrative Intervention RESPONSE LEVEL 3 Administrative Intervention-short term removal from learning environment. RESPONSE LEVEL 4 Intensive Administrative Intervention and lengthier removal from learning environment RESPONSE LEVEL 5 Intensive District Administrative Intervention and Discipline With Potential Long-Term Removal from School, or alternate placement.					

Behavior	Level 1	Level 2	Level 3	Level 4	Level 5
Inappropriate Language or Expression					
Swearing, cursing, or making obscene gestures, use of racial slurs, or protected class references directed toward another student.	✓	✓	✓	✓	
Swearing, cursing, or making obscene gestures, use of racial slurs, or protected class references directed toward a staff member.			✓	✓	
Serious threats, including the use of social media to threaten someone or to cause a disruption.			✓	✓	✓
Inappropriate physical contact (non-sexual)					
Welcomed or unwelcomed touching, hitting, slapping, pushing, grabbing, tripping, shoving, kicking, spitting, or any other inappropriate physical act of aggression by one student directed at another student that does not rise to the level of excessive physical aggression (includes actions considered "play fighting").			✓		
Excessive physical aggression (fighting or a physical attack against a student). Note: Self-defense is described as an action taken to restrain or block an attack by another person or to shield oneself from being hit by another person. Responsive action, such as hitting a person back, is not self-defense and may be considered excessive physical aggression. Note: <i>When a student engages in 3 acts of excessive physical aggression, the student may be suspended pursuant to the behavior response levels in the Behavior Education Plan and may be placed in an alternative setting for 45 or 90 days not to exceed one semester.</i>			✓	✓	✓
Use of physical force, including the use of an object, directly against or affecting a staff member of the NCSD or any adult who is legitimately exercising authority at the school or during any school activity.				✓	✓
Inappropriate touching, exposure, and/or sexual contact					
Inappropriate physical displays of affection.	✓	✓			
Non-consensual touching of a person's buttocks, breasts, genitals/ private areas.			✓	✓	✓
Consensual Sexual Activity – engaging in sexual intercourse, physically displaying one's buttocks, breasts, or genitals. Removing or adjusting the clothing of another person (including, for example, pulling down another student's pants) in a manner that causes, or was an attempt to cause, the exposure of the other person's undergarments and/or buttocks, breasts, or genitals.			✓	✓	
RESPONSE LEVEL 1	Teacher and/or staff Intervention				
RESPONSE LEVEL 2	Administrative Intervention				
RESPONSE LEVEL 3	Administrative Intervention-short term removal from learning environment.				
RESPONSE LEVEL 4	Intensive Administrative Intervention and lengthier removal from learning environment				
RESPONSE LEVEL 5	Intensive District Administrative Intervention and Discipline With Potential Long-Term Removal from School, or alternate placement.				

Behavior	Level 1	Level 2	Level 3	Level 4	Level 5
Engaging in non-consensual sexual intercourse, including oral sex.					✓
Inappropriate use of technology or materials					
Use of personal cell phone or any non-educationally required device, electronic or otherwise, that detracts from and/or disrupts learning of oneself, or others is prohibited.	✓	✓	✓	✓	
Inappropriate use of district-provided information technology. See Policy 3721.					
Recordings/images of another person .		✓	✓	✓	
Making, transmitting, or distributing, including posting to the internet, any recording of physical contact, whether or not the participants considered it "play fighting".	✓	✓	✓		
Making, transmitting, or distributing any recording that has not been approved or authorized by the school of the voice or image of any other student, staff member or other person without the consent of the person(s) so recorded.		✓	✓		
Sexual, explicit, obscene, or lewd materials					
Possessing pornographic material or observing pornographic material. or partially nude state, regardless of consent.		✓	✓	✓	✓
Possessing, making, transmitting, or disclosing any image of any student, minor, staff member, parent, school volunteer, or other adult with supervisory authority in a nude			✓	✓	✓
RESPONSE LEVEL 1	Teacher and/or staff Intervention				
RESPONSE LEVEL 2	Administrative Intervention				
RESPONSE LEVEL 3	Administrative Intervention-short term removal from learning environment.				
RESPONSE LEVEL 4	Intensive Administrative Intervention and lengthier removal from learning environment				
RESPONSE LEVEL 5	Intensive District Administrative Intervention and Discipline With Potential Long-Term Removal from School, or alternate placement.				

The Dignity for All Students Act

New York State's Dignity for All Students Act (the Dignity Act or DASA) took effect on July 1, 2012. Just as does the district's Code of Conduct, the new law seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying (including cyberbullying) on school property, school buses, and/or at school functions, as well as to foster civility in public schools. Consistent with the Dignity Act, the District prohibits acts of bullying (including cyberbullying), discrimination, and harassment against students by students and/or school employees on school property, on school buses, or at any school functions based on a student's actual or perceived race actual or perceived race (including traits associated with race such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious

practice, disability, sexual orientation, gender (including gender identity or expression), or sex. The Amendments of 2013 afford protections under DASA to include all forms of harassment of any kind.

Prevention is the cornerstone of the District's effort to address bullying and harassment. To implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinators (Dignity Act Coordinator). These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

Niskayuna School Principals & Dignity for All Act Coordinator

Birchwood Elementary School:

Debra Berndt

dberndt@niskschools.org
(518) 344-2910

Craig Elementary School:

William Anders, Ph.D.

wanders@niskschools.org
(518) 377-0156

Glencliff Elementary School:

Shelley Baldwin-Nye, Ph.D.

sbaldwin-nye@niskschools.org
(518) 399-2323

Hillside Elementary School:

Shireen Fasciglione, Ph.D.

sfasciglione@niskschools.org
(518) 377-1856

Rosendale Elementary School:

Laurel Jones

ljones@niskschools.org
(518) 377-3123

Iroquois Middle School:

Russell Moore (Interim)

rmoore@niskschools.org
(518) 377-2233

Van Antwerp Middle School:

Luke Rakoczy

lrakoczy@niskschools.org
(518) 370-1243

Niskayuna High School:

John Rickert

jrickert@niskschools.org
(518) 382-2511

Prohibition of Violence, Harassment, Hazing, Discrimination, Bullying and Retaliation

A primary goal of the School District is to provide an environment in which the worth and dignity of all persons is valued, accepted and respected. To this end, the Board of Education has adopted a policy prohibiting bullying, harassment, hazing and discrimination in the School District. Bullying (including cyberbullying), harassment, discrimination and school violence on school grounds or at school function is prohibited and will not be tolerated.

In addition, retaliation is prohibited. Retaliation is a separate and distinct violation of the Code of Conduct and occurs when any member of the school community retaliates against any person

who reports alleged bullying, harassment or discrimination or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such conduct. It is possible that an alleged harasser may be found to have violated this anti- retaliation provision even if the underlying complaint of harassment is not found to be a violation of this Code of Conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.



Student Safety: Reporting Violence, Discrimination, Harassment, Hazing, Bullying and Cyberbullying

The school principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs:

Upon receipt of a complaint (even an anonymous complaint), or if a District employee otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employees shall also file a written report with the school principal no later than two school days after making such an oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the Code of Conduct or determines that a material incident of harassment, bullying and/ discrimination has occurred, immediate corrective action

will be taken as warranted. The District will take prompt action reasonably calculated to end the violation, 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 violation was directed.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the principal is the alleged offender, the report will be directed to the Superintendent of Schools. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- Promptly investigated in accordance with the terms of District policy;
- Forwarded to the school building's Dignity Act Coordinator for monitoring; and
- Treated as confidential and private to the extent possible within legal constraints.

Parents shall be notified of their right to attend any meeting with their child to review a complaint. The school District provides a variety of prevention and intervention programs addressing the safety of students and school personnel, which are described in the District's policies and on the District website.

Violations will be subject to discipline under Section IV, G of this Code of Conduct. See Supportive Interventions and Progressive Consequences.

SAVE Act – (Safe Schools Against Violence in Education) Removal from Classroom

Under the SAVE Act, a teacher may remove a violent or disruptive student from class when the student's conduct poses a danger or is substantially disruptive or substantially interferes with the teacher's authority over the classroom. Such disruption 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 such a student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If a teacher determines that a student presents a danger or an ongoing threat of disruption to the academic process, a teacher may remove a student from class immediately. By the end of the school day, the teacher must notify the school principal and explain why the student was removed, and the student will be provided an opportunity to present his/her version of the events.

Within 24 hours of the removal, the principal or designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must inform the parent that he or she has the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal. Where possible, notice should also be provided by telephone if a phone number for notification has been provided by the parent.

If the student denies the charges, the principal or designee shall provide an explanation of the basis for the removal and shall allow the student or parent an opportunity to explain the pupil's version of relevant events. The informal conference shall be held within 48 hours of the student's removal unless a later time is agreed to by the student or parent. The principal may require the teacher who ordered the removal to attend the informal conference if held during normal working hours.

The principal or designee shall not set aside the discipline imposed by the teacher unless a determination is made that the charges are not supported by substantial evidence, or that the removal is a violation of law, or that the student's conduct warrants a suspension which will be imposed. This determination must be made by the close of business on the day succeeding the 48 hour period for the informal

conference (or such later informal conference date as may have been agreed to by the student or parent). No student removed from class by a teacher will be permitted to return to that class until this determination is made or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log for all cases of removal of students from his/her class. The principal must keep a log of all such removals.

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

Under the federal Gun-Free School Act of 1994, a student found guilty of bringing a firearm onto school property will be subject to at least a one year suspension from school. The terms "weapon or other hazardous instrument" used above include any firearm, pellet gun, BB gun, starter pistol, whether operable or inoperable, loaded or unloaded, knife, simulated weapon, dangerous chemical, noxious substance, explosive or any other object listed in District Policy 7360 which could be used as a weapon.

Suspended students may not attend classes or activities or enter upon any school property for the duration of the suspension. Suspended students may not attend any off-campus activities involving teams or organizations under the auspices of the school district (athletic contests, musical performances and the like) from the time the suspension is assessed until the suspension period has been completed, including any such activities held on weekend days. Violators will be subject to the penalties associated with trespassing.

When a suspension is assessed at the conclusion of a school week, the suspension period shall commence on the next



regularly scheduled school day. Weekend extracurricular activities are subject to the restrictions of the suspension period, but do not count as a part of the total number of days in the suspension. When the suspension is over, a parent is expected to accompany the student to school for re-admission.

Students suspended from instruction shall be afforded their due process rights pursuant to sections 3214 and 310 of the Education Law and section 100.2 of the Commissioner's Regulations. Students suspended from instruction for five days or less shall be given notice of the charged misconduct and may request an explanation of the basis for the suspension. The pupil or the pupil's parent may request an informal conference at which the pupil or parent may present the pupil's version of the event and ask questions of complaining witnesses. This notice and the opportunity for an informal conference shall take place prior to the suspension unless the pupil's presence poses a continuing danger or threat of disruption to the academic process.

No student may be suspended for more than five days, however, unless the student and his/her parent have had the opportunity for a fair hearing upon reasonable notice. At that hearing the student and his/her parent have the right of representation by counsel, with the right to question witnesses against such student, and to present witnesses and other evidence on their behalf.

Students and their parents may have decisions involving suspensions and other disciplinary matters successively considered by the Superintendent of Schools, the Board of Education, and the Commissioner of Education. Appeals from the principal's decision on suspension and other discipline must follow this progression of review, and such appeals cannot be made directly to the Commissioner of Education.

When a student of compulsory education age is suspended, the District must take immediate steps to provide alternate instruction for the student. Students who are suspended from school shall not have their absences during the suspension counted against them in the attendance regulation, unless they have been offered alternate instruction and have failed to attend such instruction.

Other Disciplinary Measures

Students with Disabilities

Students with disabilities must be disciplined under the legal requirements of the Individuals with Disabilities Education Act (IDEA). A suspension of more than ten days or a series of short-term suspensions, meeting certain criteria, would require the Committee on Special Education to meet and to make a determination whether the student's conduct is a manifestation of the student's disability. Further, the committee may also need to meet to determine whether the current placement of the student is appropriate. A parent may review questions concerning this legal requirement by contacting the chairperson of the committee. When a student with a disability poses an immediate threat to the student's safety or the safety of others, the District may seek a court order to enjoin the student from attending school.

Referral to Police or Other Agencies

A student may be referred to the police or another appropriate agency for alleged breaches of the law. Such breaches may include, but are not limited to:

- use or possession of illegal drugs, synthetic narcotics, non-prescribed medications or related paraphernalia;
- use or possession of alcohol;
- use or possession of weapons (in violation of Policy 7360 and the Federal Gun-Free Schools Act);
- vandalism;
- theft of property or possession of stolen property;
- creating a disturbance or safety hazard (e.g.; initiating or aiding in false alarms, bomb threats or other threats of harm to school property, students or staff; or possession of discharge or fireworks or a noxious substance);
- trespassing (e.g.; entering school property while under suspension or before or after reasonable school hours);
- unauthorized access to academic or administrative records;
- any criminal conduct;
- sexting; and/or
- sexual exploitation such as voyeurism/"upskirting."

Dissemination and Review

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

- providing copies of a plain-language summary of the code to all students at a general assembly held at the beginning of each school year;
- mailing the Code of Conduct summary, to all parents of District students before the beginning of the school year and making this summary available later upon request;
- communicating to all students and parents at the beginning of the school year that the full Code is available online and in school offices;
- providing all current teachers and other staff members with a copy of the Code (print or electronic) and a copy of any amendments to the Code as soon as practicable after adoption;
- providing all new employees with a copy of the current Code of Conduct (print or electronic) when they are first hired;
- making copies of the Code available for review by students, parents and other community members; and
- posting the complete Code of Conduct on the District's internet website, including any annual updates or amendments thereto.

The Board will periodically sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct, to promote a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected status, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The Superintendent may solicit the recommendations of the District 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.

This Code of Conduct remains in effect until it is revised by the Niskayuna Central School District Board of Education.

Definitions

Glossary of Terms

For the purpose of this code, the following definitions apply:

Academic Dishonesty: Plagiarism, copying another's work, altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using text, documents, notes, or notebooks during tests without permission from a staff member.

Arson: Starting a fire or destruction of property as a result of starting a fire.

Physical Attack on Students: A student or students set upon another student in a forceful, hostile or aggressive way with or without provocation.

Behavior Violations: Student behaviors that are inappropriate in school, unacceptable or that warrant response, interventions and consequences.

Bomb Threat: The making of threats or providing false information, in writing, in person, on the phone, including text message or other means, about the presence of explosive materials or devices on school property, without cause.

Bullying: Repeated intentional acts done willfully, knowingly and with deliberation, by an individual(s), that targets and harms another person physically or emotionally. Bullying is characterized by an imbalance of power between two students.

Child Pornography: Sexually explicit images of children younger than 17 years of age.

Consequence: A result or response that follows an action.

Criminal Behavior: Any behavior that is considered a violation against municipal, state or federal laws.

Cyber Bullying: means "harassment" or "bullying," where such harassment or bullying, where such harassment or bullying occurs through any form of electronic communications.

Damage to Property: Damage, destruction or defacement of property belonging to the school or others.

Dignity Act Coordinator: An employee designated by the board who ensures full compliance with the Dignity for All Students Act (DASA) and is trained to address issues in areas protected by the law. Dignity Act Coordinators manage documentation, processing, actions and interventions enforcing DASA.

Discrimination: Unjust or prejudicial treatment toward any student by a student(s) and/or employee(s) on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class.

Electronic Technology: Devices and equipment such as cell phones, computer, tablets.

Employee: 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 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 services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

Ethnic Group: 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: Actual or perceived sex and includes a person's gender identity or expression.

Gender Expression: The way in which we express gender identity to others through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity: The way in which people self-identify as being male or female. Gender identity is internal and not necessarily visible to others.

Harassment: The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would interfere with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being or threats, intimidation or abuse that cause or would be expected to cause a student to fear for his or her physical safety.

Hazing: A specific form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student's willingness to participate. Hazing includes, but is not limited to, any activity that intimidates or threatens a student with ostracism or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.

Illegal Drug: A controlled substance (does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional)

Inciting or Participating in a Disturbance: Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for learning (such as a riot).

Insubordination: the refusal by a student to follow a reasonable directive from any authorized school staff member.

Interventions: Specific programs, strategies, restorative practices, skill-building sessions and individual and group counseling activities, among other things, that enable students to reflect on behavior, attitudes, needs and feeling; learn replacement behaviors and habits, work through personal obstacles, resolve conflict and develop goals and plans to get back on track.

Leveled Consequences and Interventions: There are five levels of behaviors and possible responses. Level one aims at responding with strategies in the classroom to teach and correct behaviors (such as unexcused tardies, caught in hall sweep etc.) The consequences intensify as the levels increase. For example, level five behaviors, ones that are dangerous behaviors and/or create risk of injury, can result in more severe consequences such as suspension.

National Origin: A person's country of birth or ancestor's country of birth.

Parent: Biological, adoptive, foster parent, guardian or person of record in parental relation to a student.

Persistent: Repeated over a period of days after interventions have been implemented and given ample time to be effective.

Physical Aggression: Behavior causing or threatening physical harm toward others including, but not limited to, hitting, kicking, biting and shoving.

Physical Altercation Between Two or More Students: Physical aggression (use of physical force) that may or may not result in injury.

Race: Group of persons related by common descent or heredity.

Racial Harassment: A negative opinion or verbal expression toward an individual or group of persons who possess common physical characteristics (color of skin, eyes, hair and facial features genetically transmitted by descent and heredity) that distinguish them as a distinct division of humankind, based on these physical characteristics.

Reckless Endangerment: Conduct that creates a substantial risk of serious physical injury or death to another person.

Religion: Either religious or spiritual belief or preference.

Religious Practice: Attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression or refraining from certain activities.

Restorative Practices: An approach to resolving conflict and preventing harm. Restorative approaches enable those who have been harmed to convey the impact of the harm to those responsible, and for those responsible to acknowledge this impact and take steps to make it right.

School Function: Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the district including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other district-sponsored trips.

School Property: Outside grounds, all structures, and any space 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.

Serious Bodily Injury: Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Sexual Orientation: actual or perceived heterosexuality, homosexuality, or bisexuality.

Student with a Disability: means a student with a disability as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department.

Tardiness: Arriving late to school or class.

Theft: Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use. Robbery includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence or intimidation using a dangerous instrument or weapon. Theft, possession or transfer of stolen goods includes the act of possessing transferring the property of another without the consent of the owner.

Threat Assessment: A process used to evaluate the risk posed by a student or another person, typically as a response to an actual or perceived threat concerning behavior.

Trespassing: Being on school property without permission, including while suspended.

Using or Possessing: Consuming alcohol, drugs or inhalants or in possession of these substances on school property or at school functions.

Violent Student: means an elementary or secondary student under the age of 21 who: commits an act of violence against any school employee; commits an act of violence on school property against any student or other person lawfully on school property; possesses, on school property, a gun, knife, incendiary bomb, or other dangerous instrument capable of causing physical injury or death; threatens, on school property, to use any instrument that appears capable of causing physical injury or death; knowingly and intentionally damages or destroys the personal property of any person lawfully on school property; or knowingly or intentionally damages or destroys District property.

Weapon: A firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. 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, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, sandbag or sand club, loaded or blank cartridges, Kung Fu star, electronic stun gun, pepper spray or other noxious spray.



Appendices

APPENDIX A.

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.

Prohibited Conduct on School Property

These rules govern the conduct of students, faculty and other staff, licenses, invitees, and all other persons, whether or not their presence is authorized, upon District property, and also upon or with respect to any other premises or property, under the control of the District and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, other co curricular program and activities. No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do so;
2. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain;
3. willfully damage or destroy property of the school or under its jurisdiction, nor remove or use such property without authorization;
4. without permission, express or implied, enter into any private office of an administrative officer, member of the faculty or staff member;

5. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
6. without authorization, remain in any building or facility after it is normally closed;
7. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff;
8. obstruct the free movement of persons and vehicles in any place to which these rules apply;
9. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
10. have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer (whether or not licensed to possess or carry the same); and/or
11. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.
3. If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by the Education Law, §3214 or school Code of Conduct, and he/she shall be subject to ejection.
4. If a faculty member, he/she shall be subject to ejection, warning, reprimand, suspension or other disciplinary action as prescribed by and in accordance with procedures of the Education Law.
5. If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, he/she shall be guilty of misconduct, and be subject to the penalties and procedures prescribed in said section and be subject to ejection.

- 6.** If a staff member other than one described in subdivision 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

Enforcement Program

The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

In the case of any apparent violation of these rules by such persons, which, in the judgment of the superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any District properties where their continued presence and conduct is in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action as herein before provided.

The superintendent or his/her designee may apply to the public authorities for any aid which he/she may request the Board of Education's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

APPENDIX B. Summary of Attendance Policy

All students are entitled to a sound basic education that will enable them to enjoy life and become effective citizens. This goal can best be achieved within the public schools by regular class participation. The objective of this policy is to encourage student commitment to, staff awareness of and parental support for regular class attendance.

Strategies

The basic strategy of this policy is to recognize the relationship between participation in class activities and the mastery of course material.

Students are expected to come to class prepared to discuss assigned material. Failure to attend class thwarts this objective and requires compensating or corrective actions. Such actions should be based on valid data. Consequently, class attendance shall be recorded in accordance with state requirements and shall be reported to parents* at the end of each marking period or more frequently if so required by the school code of conduct.

Excused Absences

Tardiness or absence for the following reasons is excused: personal illness or injury, death or emergency illness in the immediate family, obligatory religious observance, required court appearance, medical and dental appointments, school sponsored events, career development or explorations programs approved by the principal, late arriving bus, impassable roads or weather making travel unsafe, music lessons, or others as authorized by the principal. Tardiness or absence for any other reasons is unexcused. Students with an excused absence shall be given an opportunity to make up missed work.

Relationship between Attendance and grade

In order to obtain the minimum passing grade for a course, students must demonstrate sufficient comprehension of the course material to justify promotion to a subsequent course of study. To obtain a higher grade, students must demonstrate by examination, class participation, and the completion of assigned work that they have sufficient mastery of course material to satisfy established departmental standards. Unexcused absences may also affect a student's grade.

Incentives, Sanctions and Notice

Each school is encouraged to recognize the impact of good attendance on student learning and to develop incentives that provide individual motivation to students and families. Students with unexcused absences shall be subject to the sanctions provided by school codes of conduct. Parents shall be notified by phone or by letter whenever their child is absent, tardy or departs early without a proper excuse.

Intervention Strategies

Additional actions shall be taken for students with severe attendance problems. These include referral to a student support or child study team, the provision of counseling service, and referral to a judge for court supervision (PINS petition.)

*The term "parent" includes guardians and others in an established parental relation with the student.

APPENDIX C.

Drug and Alcohol Abuse Regulations

The possession of illegal drugs, synthetic narcotics, dab pens or cartridges of any kind, non-prescribed medications, drug paraphernalia or alcohol or the consumption of illegal drugs, synthetic narcotics, non-prescribed medications, or alcohol during school hours or at any interscholastic and extra-curricular events or other school-sponsored activity, or on school property, is strictly prohibited. This policy also prohibits a student from coming to school or an extra-curricular and interscholastic event or other school sponsored activities, on or off campus, after the student has consumed alcohol or drugs, synthetic narcotics, non prescribed medications, or is in possession of illegal drugs, synthetic narcotics, non-prescribed medications, drug paraphernalia, or alcohol.

First Offense

A student who violates this policy for the first time may be suspended from school for a period of five (5) days. When the suspension period is over, the student may not be readmitted to school unless accompanied by a parent.

Athletes who are on alternate credit for physical education shall have this privilege revoked immediately; "Athletic Handbook" sanctions shall also be in effect. When indicated, the student shall be referred to the Niskayuna Police, the Superintendent, or both.

When the student returns to school, the student will be assigned to a Study Hall for all unscheduled periods for five (5) weeks. The student shall not be permitted to attend any interscholastic, extra-curricular, or school sponsored activity for the duration of the five (5) week period. The student will not be allowed on school property during the period of his/her suspension or he/she will be considered trespassing and will be subject to the associated civil/criminal penalties.

Moreover, the student must be a willing and active participant in at least three (3) counseling sessions with the school psychologist, student assistance counselor, or guidance counselor. Alternatively, the student may seek counseling from a private counseling source. This process must have begun in order for the student to be eligible to practice/rehearse/participate with a team or activity. Although the student will not be allowed to attend or participate in games, plays, events, etc., the student will be permitted to practice, try out, or rehearse providing the students meets with the school psychologist, student assistance counselor, or guidance counselor at the designated times. Should the student fail to participate in such a counseling program, the student shall

be removed from the team or activity for the remainder of the school year. The student's eligibility to return the following school year to active participation will be contingent upon completion of a counseling program.

Student athletes, who participate in any school-sponsored sport, shall be referred to the building principals, who in consultation with the Director of Athletics, will apply the sanctions as outlined in the Athletic Code of Conduct.

Second Offense

In case of a second drug or alcohol offense during the student's high school career, the student may be suspended from school for a period of five (5) days. When the suspension period is over, the parent or guardian is expected to accompany the student to school for admission.

When the student returns to school, the student shall be assigned to a Study Hall for all unscheduled periods for the duration of the student's high school career. In addition, the student shall re-enter a counseling program (in-school or private). The student shall not be permitted to participate in or attend any co-curricular interscholastic, or other school-sponsored activity for one (1) calendar year from the date of the second violation. The student shall also be prohibited from practicing or rehearsing during the calendar year period.

Third Offense and Subsequent Offenses

If a student is suspended for a third drug or alcohol offense, the student will be referred to the Superintendent of Schools for an exclusionary hearing to determine if the student's behavior poses a threat to the safety and well-being of that student or others. If, in the judgment of the Superintendent, the student is not to be excluded, the following sanctions shall be imposed:

The student may be suspended from school for a period of five (5) days. When the suspension period is over, the student may not be readmitted to school unless accompanied by a parent. When the student returns to school, the student shall be assigned to a Study Hall for the duration of the student's high school career. The student shall also be strongly urged to seek more intense rehabilitative care; alternate placement may also be considered. In addition, the student shall not be permitted to participate in, practice, rehearse or attend any extra-curricular, interscholastic, or other school-sponsored activity for the duration of the student's high school career.

APPENDIX D. Penalties for the Use or Possession of Tobacco and/or Nicotine Products

In accordance with New York State law, the Board of Education recognizes the health hazards associated with smoking and the use of other tobacco products and, therefore, prohibits the use or possession of tobacco products or accessories, e-cigarettes, and vapor instruments and/or products, and dab pens and/or cartridges of any kind by students in school buildings, on school property and vehicles owned or operated by the District or at school sponsored activities.

First Offense

A student on school property who is caught smoking a first time may be suspended out-of-school for a period of two (2) days or placed in an in-school suspension program. A student who is determined to be in the possession of tobacco products or accessories, e-cigarettes or vapor instruments and/or products, and dab pens and/or cartridges of any kind may be assigned two (2) extended detentions.

Second Offense

A student on school property who is caught smoking a second time may be suspended out-of-school for a period of four (4) days or placed in an in-school suspension program. A student who is determined to be in the possession of tobacco products or accessories, e-cigarettes, or vapor instruments and/or products, and dab pens and/or cartridges of any kind for a second time, may be assigned six (6) extended detentions.

Third Offense

A student on school property who is caught smoking a third time may be suspended out-of-school for a period of four (4) days or in an in-school suspension program. A student who is determined to be in the possession of tobacco products or accessories, e-cigarettes or vapor instruments and/or products, and dab pens and/or cartridges of any kind for a third time, may be placed in an in-school suspension program for three (3) days.

Fourth and Each Subsequent Offense

A student on school property who is caught smoking a fourth time and each subsequent time may be suspended out-of-school for a period of four (4) days or in an in-school suspension program. A student who is determined to be in the possession of tobacco products or accessories, e-cigarettes, or vapor instruments and/or products, and dab pens and/or cartridges of any kind for the fourth time, may be placed in an in-school suspension program.

APPENDIX E. Building Computer Utilization

The Board of Education considers computers and computer-related technology to be valuable tools for education and encourages their use throughout the District.

The Board encourages computer use as an integral part of the curriculum where age and developmentally appropriate. This includes the use of computer programs, access to the Internet, and communications with teachers and other students.

Student and staff use of school computers and related technology should support the District's educational program. The Internet and other electronic research materials are available to students and staff solely for the support of our students' educational program and professional development. Computer use — including Internet access — is a privilege, not a right.

Computer utilization throughout the District shall be in accordance with Board of Education Policy and in accordance with the regulations defined by board policy, as well as local, state, and federal laws.

Student and staff use of school computers is for school-related use only. Foreign or home software shall not be used on school computers until it has been scanned for viruses and approved for use by a supervising adult. Use of language on the school network must be consistent with current community standards for public discourse in a school environment. All materials over the Internet should be assumed to be copyrighted for citation purposes.

Any and all e-mail that is sent or received through the District's network shall be deemed to be not confidential and is subject to random review. Any messages that are related to or in support of inappropriate or illegal activities shall be reported to supervisors, the District office, or legal authorities. The use of District e-mail is limited to that which supports the District's educational mission and official school business.

For more information about the
Code of Conduct, contact your
school principal.

2022-23 Code of Conduct

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Produced in cooperation with the Capital Region
BOCES Communications Service



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