

**FULTON CITY SCHOOL DISTRICT**

**2023-24 CODE OF CONDUCT**

## I. INTRODUCTION

The Board of Education (here and after, Board) is committed to providing a safe and supportive school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions. All students, staff and visitors to our schools are required to comply with the districtwide expectations to be respectful, responsible and safe. These expectations are based on the principles of civility, mutual respect, responsibility, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences and interventions for unacceptable conduct, and to see to it that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (here and after Code).

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

## II. DEFINITIONS

For purposes of this Code, the following definitions apply.

**Bullying** and/or **Harassment** mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off-school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition, "emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education. Acts of harassment and bullying shall include, but not be 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 legally protected status. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done by one person or a group. Bullying may be a single act or a series of occurrences.

**Cyber-bullying** is "harassment" or "bullying", where such harassment or bullying occurs through any form of electronic communication including but not limited to texting and social media. Cyber-bullying may occur via electronic communication on the Internet, on cellular phones or other electronic media. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or social media application or website postings (including blogs). Cyber-bullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyber bullying involving District students may occur both on campus and off school grounds and may involve student use of the District internet system or student use of personal digital devices including but not limited to: cell phones, digital

cameras, personal computers, electronic tools. Cyber-bullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property; or
- Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school's programs.

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such impairment.

**Discrimination** means discrimination against any student by a student or students and/or employee or employees 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 or sex

**Disruptive student** means any student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Employee** means any person receiving compensation from a school District or employee of a contracted service provider or worker placed within the school under a public assistance employment program 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.

**Gender** means actual or perceived sex and includes a person's gender identity or expression, including male, female, transgender and non-binary identity and/or expression.

**Hazing** is a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

**Parent** means parent, guardian or person in parental relationship to a student.

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**School Property** means in or within any building structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on

a school bus or District owned vehicle or in any location or facility rented/leased or otherwise under the direction and control of school personnel.

**School Function** means any school-sponsored event or activity including extracurricular events and activities.

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality.

**Under the Influence** means having used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

**Violent student** means a student under the age of 21 whom: 1. Commits an act of violence upon a school employee, or attempts to do so. 2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so. 3. Possesses, while on school property or at a school function, a weapon. 4. Displays, while on school property or at a school function, what appears to be a weapon. 5. Threatens, while on school property or at a school function, to use a weapon or commits a violent act. 6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function. 7. Knowingly and intentionally damages or destroys school District property.

**Disruptive Person** is a person on school property or attending a school sponsored function who behaves in a disruptive, threatening or violent manner. The disruptive individual is one who disrupts the activity, threatens, harasses or injures others in attendance or damages school property.

**Weapon** means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, paintball gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Ninja star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, look alike fake weapon, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death or, when brandished as a weapon.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

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

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

1. Take part in all District activities on an equal basis regardless of race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and expectations and, when necessary, receive an explanation of those expectations from school personnel.
4. Students shall be free from discrimination and harassment by students and school employees on school

property or school functions including but not limited to the educational program, activities, or admission policies of their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status.

## **B. Student Responsibilities**

All District students must follow the district wide expectations to be **respectful, responsible and safe**. All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules, expectations and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, arrive on time, remain in school for the duration of their scheduled time and be prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators and other school personnel in a respectful, responsible, positive manner.
6. Work to develop mechanisms to manage their emotions (self-management).
7. Ask questions when they do not understand.
8. Seek help in solving problems that might otherwise lead to an infraction of the Code of Conduct.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
12. Use technology and social media in a manner that contributes positively to the school climate and demonstrates respect for others.

#### IV. ESSENTIAL PARTNERS

##### Parents/Guardians

**All parents/guardians are expected to:**

1. Recognize and support that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time as defined by the District attendance policy.
4. Ensure written excuses are submitted for all absences, tardies and early dismissals within 10 days of the student's return to school.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules and expectations are required to maintain a safe, orderly environment.
7. Know school rules and expectations, including this Code of Conduct, and help their children understand them. This includes being familiar with and abiding by District policies, rules, expectations and regulations related to student conduct.
8. Convey to their children a supportive attitude toward education and the District.
9. Conduct themselves in a respectful, responsible and safe manner when visiting school and District facilities.
10. Build positive relationships with teachers, other parents, and their children's friends.
11. Help their children deal effectively with peer pressure, conflict, anger and other emotions. This may include accessing school personnel and/or community professionals and agencies.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Provide the school with current address and phone numbers.
15. Contact their child's teacher or school staff if they perceive a change in their child's behavior or needs that may be related to situations occurring at school.
16. Establish and model appropriate behavior expectations for their child.
17. Provide transportation to and from extra-curricular activities at times established by the coach/activity advisor.

## All Fulton City School District Staff, Volunteers and Contract Service Providers

1. Promote a safe, orderly and engaging school environment, supporting active teaching and learning.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status which will strengthen students' confidence and promote learning. which will strengthen students' self-concept and promote confidence to learn.
3. Model and teach appropriate behavior and dress as referenced in this Code of Conduct. 4. Know school policies, rules and expectations including this Code of Conduct, and enforce them in a fair and consistent manner.
5. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to his or her attention verbally within one school day, and in writing within two school days in accordance with district procedures (see section VIII A of this code).
8. Use technology and social media in a manner that contributes positively to the school climate and demonstrates respect for others.
9. Participate in training and professional development that will support compliance with and enforcement of the Code of Conduct and promote the development of social competency for students and a positive school climate.

## Teachers

1. Be prepared to teach when class begins.
2. Actively supervise students for whom they are responsible.
3. Demonstrate interest in teaching and concern for student well-being and achievement.
4. Communicate to students and parents:
  - a. Course objectives and requirements;
  - b. Marking/attendance/grading procedures;
  - c. Assignment deadlines;
  - d. Academic and behavioral expectations for students;
  - e. Classroom behavior support and intervention plan.
5. Communicate regularly with students, parents and other teachers concerning growth, well-being and achievement.
6. Demonstrate proficiency in teaching practices and a pursuit of professional growth.
7. Build a positive and constructive relationship with parents/guardians and students.
8. Regularly monitor student performance and provide interventions and support as needed.

### **Student Support Services Personnel**

1. Communicate regularly with students, parents, other school staff and appropriate agencies concerning student growth, well-being and achievement.
2. Assist students in coping with peer pressure and personal, social, behavioral, emotional and attendance problems.
3. Initiate teacher/student/support staff conferences and parent/teacher/student/support staff conferences, as necessary, as a way to resolve problems.
4. Regularly review students' current educational progress in the areas of academics, attendance and behavior and career/post-secondary plans with students.
5. Provide information to assist students with educational planning and career/post-secondary planning.
6. Encourage and support students to benefit from curricular and extracurricular programs.

### **Principals and Administrators**

1. Facilitate regular communications (including the redress of grievances) among staff, students, and parents
2. Evaluate on a regular basis designated instructional and student programs.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly, consistently and fairly.
5. Provide instructional leadership for the learning community.
6. Communicate academic, attendance and behavioral expectations to students, staff, and members of the school community.

### **Superintendent**

1. Review the policies of the Board of Education and state and federal laws relating to school operations and management with District administrators.
2. Inform the Board of Education about educational trends relating to student discipline.
3. Work to create instructional programs that promote positive behavior and compliance with school expectations, the Code of Conduct and are sensitive to student and teacher needs.
4. Work with all school staff in promoting school expectations and enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.



## **Board of Education**

1. Develop and support District policies that promote a safe, orderly and engaging school and District environment, supporting active teaching and learning.
2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Direct the Superintendent to communicate this Code of Conduct and pertinent revisions to students, parents, staff and the community.
5. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.

### **V. DIGNITY FOR ALL STUDENTS ACT**

Prevention is the cornerstone of the District's effort to address bullying and harassment. The Dignity for all Students Act seeks to provide the New York State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function. In order to implement this bullying prevention program, the Board will designate, at its annual organizational meeting, the school home liaison at each school to act as the Dignity for All Students Act Coordinator (DASA 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.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- professional development for staff members;
- the complaint process; and
- management of the Dignity Act's civility curriculum components.

Any member of the school community with a concern about harassment, bullying or discrimination should contact the school building administrator or the District's designated Dignity Act Coordinators listed below.

- Kelly Weston, G. Ray Bodley High School, 315-593-5400
- Danielle Quinn, Fulton Junior High School, 315-593-5597
- Ariana Suhr, Fairgrieve Elementary School, 315-593-5913
- Casey Miner, Granby Elementary School, 315-593 -5484
- Samantha Cangro, Lanigan Elementary School, 315- 593-5783
- Lisa Bowman, Volney Elementary School, 315-593-5578

In addition, a form to report bullying, harassment or discrimination can be found on the Fulton City School District web site at [www.fultoncsd.org](http://www.fultoncsd.org) under the District Information section. Completed forms can be turned in to the DASA Coordinator or school administrator in any Fulton City School District school building.

## **VI. DRESS CODE**

The intent of the dress code is to foster an environment that is safe and conducive to teaching and student learning. It is also intended to provide guidance to help develop appropriate habits to prepare students for their role in the workplace and society. All students, District personnel, student teachers/interns, volunteers and contract personnel are expected to give proper attention to personal cleanliness and to dress appropriately for school, school functions and learning or job responsibilities.

Students and their parents have the primary responsibility for acceptable student dress and appearance. All District personnel should model, exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting as preparation for their success in the work place in the future.

### **A. STUDENT DRESS CODE**

Individual students and their parents or guardians are responsible for student dress and personal appearance. Personal appearance is one of the most visible indicators of youth culture and self-identification. The Fulton District student dress code supports equitable educational access and does not reinforce gender stereotypes.

#### **We believe that:**

- All students should be able to dress comfortably for school without fear of or experiencing unnecessary discipline or body shaming.
- Students should not face unnecessary barriers to school attendance.
- Student dress should not be a major reason for conflict and inconsistent discipline.

#### **Goals of our Dress Code:**

- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Maintain a safe learning environment
- Prevent students from wearing clothing with offensive images or language depicting or advocating profanity, hate speech, pornography, violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and/or personal style.

**Basic Principle:** Certain Body Parts Must Be Covered. For all students' clothes must be worn in a way such that genitals, buttocks, undergarments, and nipples are covered with nontransparent material. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

**All Students Must Wear:**

- Shirt
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes: (school can require activity/safety-specific shoes)
- Any required safety/PPE relevant to maintaining a safe learning environment

**All Students May Wear:**

- Hats, including religious headwear
- Hoodie sweatshirts (hood up is allowed if face is not covered)
- Fitted pants, including leggings, yoga pants and “skinny jeans”
- Clothing with holes/rips (if underwear and/or genital and buttocks are not exposed)
- Visible waistbands or straps on undergarments worn under other clothing
- Tank tops, including spaghetti straps
- Clothing with commercial or athletic logos provided they do not violate Section 3 below

**Students Cannot Wear:**

- Violent language or images including obscenities, profanities, vulgarity, sexual or other harassment
- Images or language depicting tobacco, drugs, or alcohol (or any illegal item or activity)
- Hate speech, profanity, pornography
- Images or language of unfounded charges, defamation, discriminatory statements, libelous statements
- Images or language that creates a hostile or intimidating environment based on any protected class
- Visible underwear
- Helmets or headgear that obscures the face (except for medical purposes, career safety purposes or religious observance)

**VII. PROHIBITED STUDENT CONDUCT**

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

It is important for students to learn to assume and accept responsibility for their own behavior, and understand their behavior’s impact on others. It is critical for students to work with adults to identify the root cause, develop a plan of strategies and supports to ensure that the behavior is not repeated. District personnel who interact with students are expected to use disciplinary action as a tool for teaching and as a way to place emphasis on the students’ ability to take responsibility and gain new social-emotional skills.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. This does not rule out the possibility of discipline for off campus conduct in violation of this code when such conduct endangers the health or safety of pupils or personnel within the educational system or adversely affects the learning environment. The District reserves the right to discipline in appropriate cases for such off-campus conduct. The rules and expectations of conduct listed below are intended to focus on safety and respect of others.

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

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

1. Engaging in any behavior that intentionally disrupts the normal operation of the school community and learning environment
2. Using language, actions, or gestures that are profane, lewd, vulgar, abusive, or determined as offensive based on Dignity for All Students Act
3. Obstructing vehicular or pedestrian traffic.
4. Being under the influence of drugs or alcohol.
5. Using tobacco, e-cigarettes, juuls, vapor pipes/pens/devices/products, any nicotine delivery device, inhalant device or combustibles.
6. Trespassing. Students are not permitted in any school building or grounds, other than the one they regularly attend, without permission from the administrator in charge of the building. Students are only permitted in the school that they attend after school hours with the permission of the administrator or to participate in a school sponsored activity
7. Computer/electronic communications misuse, including but not limited to any unauthorized use of laser pointers, cell phones, cameras, computers, electronic devices, electronic notebooks/pads, smart watches, earbuds/headphones, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use or internet use policy.

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

1. Failing to comply with the reasonable directions or requests of teachers, school administrators or other supervising adults in charge of students.
2. Missing, leaving, or being late for school or class without legitimate cause and permission as outlined in the Fulton City School District attendance policy and regulation.
3. Failure to follow through with the agreed plan or assigned consequence (i.e; lunch detention, restorative conference)

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

1. Committing an act of violence (such as hitting, kicking, punching, pinching, pushing, throwing projectiles, biting, spitting and scratching) upon a teacher, administrator or other school employee, as well as self, another student or any other person lawfully on school property or attempting to do so.
2. Possessing a weapon. Authorized law enforcement officials are the only person permitted to have a weapon in their possession while on school property or at a school function.
3. Displaying and/or portraying to have what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school District property.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include, but are not limited to:

1. Making false statement(s) to school personnel, including forgery.
2. Stealing the property of the school District, other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status as a basis for treating another in a negative manner.
5. Harassment, bullying and/or cyberbullying, as defined above, which may also include sufficiently severe action or a persistent, pervasive pattern of actions or statements (written or oral), photographs, video or graphic images directed at an identifiable individual or group which a reasonable person would perceive as bullying, cyberbullying, ridiculing, demeaning or threatening.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, as defined above.
8. Selling, distributing, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Possession or use of any tobacco products as well as paraphernalia or combustibles.
11. Possession, use or distribution of electronic cigarettes.
12. Possession, use or distribution of e-cigarettes, juuls, vapor pens/pipes/devices, inhalant device, nicotine delivery device or the products, cartridges or pods used for those devices.
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Illegal substances include but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, drug look-alikes, synthetic cannabinoids, unauthorized prescription drugs, over the counter drugs and any substances commonly referred to as designer or street drugs.
14. Unauthorized possession of, inappropriately using or sharing prescription and over the counter drugs.
15. Gambling.

16. Indecent exposure: defined as exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire, bomb threat or other emergency catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**E. Engage in misconduct while on a school bus/District operated vehicles.** It is crucial for students to behave appropriately while riding on District operated buses/vehicles to ensure their safety and that of other passengers and to avoid distracting the driver. Students are required to conduct themselves on the bus/District vehicle in a manner consistent with established expectations and standards for classroom behavior and in compliance with this code at all times. Students must refrain from excessive noise, pushing, shoving, fighting and/or moving about the bus/District vehicle while it is in motion.

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

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

## **VIII. REPORTING VIOLATIONS**

### **Students**

All students must promptly report violations of the Code of Conduct to a school District employee. Any student observing a student possessing a weapon, alcohol, medication or illegal substance on school property or at a school function shall report this information immediately to a school District employee.

### **District Employees, Volunteers and Contract Service Providers**

All District employees, volunteers and contract service providers are required to report violations of the Code of Conduct to the building principal or his/her designee.

### **Principals and Administrators**

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol, medication or illegal substance found shall, if possible, be confiscated immediately, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **A. Reporting Discrimination, Harassment and Bullying**

The school principal and Dignity for All Students Act Coordinators designated by the Board of Education are 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/cyber-bullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

1. Upon receipt of a complaint (even an anonymous complaint), or if a District official 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 oral report.
2. 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 investigated in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.
3. 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 District's Code of Conduct, immediate corrective action will be taken as warranted, it 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.
4. 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.

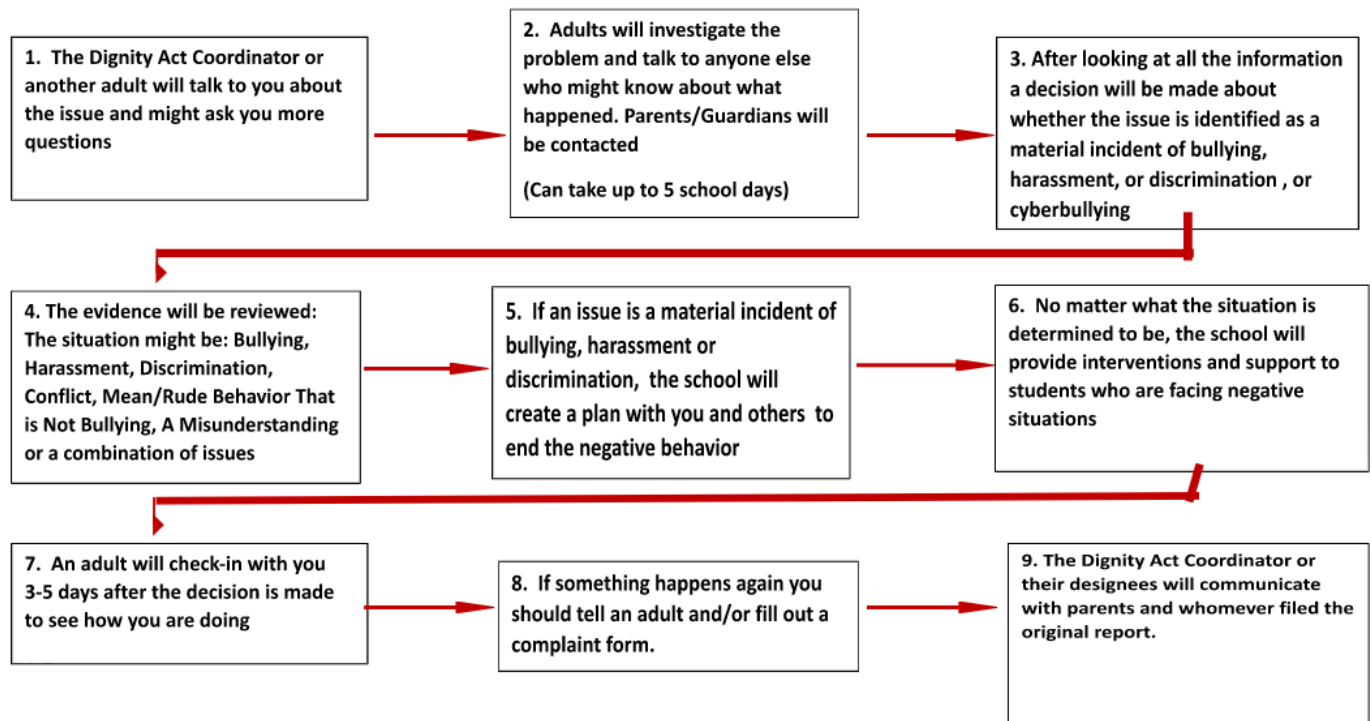
Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, cyberbullying and/or discrimination is prohibited.

All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of District policy;
- ii. forwarded to the school building's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

The principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

Below is a flowchart to depict the order of events once a DASA complaint has been filed.



## IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel are expected to use disciplinary approaches to place emphasis on the students' ability to grow in self-management and support the development of pro-social behaviors and skills.

Disciplinary action, when necessary, will be determined based on what is considered to be the most effective in changing student behavior, with an emphasis on repairing harm. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary strategies will consider the following:



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

As a general rule, discipline will be progressive. This means that a student’s first violation, depending upon the severity of the offense, will usually merit a lighter penalty than subsequent violations. However, the District may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

### **A. Consequences/Penalties**

Students who are found to have violated the District’s Code of Conduct may be subject to the

following penalties, either alone or in combination. The school personnel identified in the chart below are authorized to impose that penalty, consistent with the student’s right to due process.

<b>Personnel Authorized to Administer Consequences</b>	<b>Disciplinary Interventions or Responses</b>
All District Employees and Contract Service Providers	<ul style="list-style-type: none"> <li>● Verbal Warning</li> <li>● Written warning (behavior infraction documentation)</li> </ul>
All District Employees and Contract Service Providers	<ul style="list-style-type: none"> <li>● Restorative Circle; Restorative Chat</li> </ul>
Student Support Services Personnel; Building or District administrators	<ul style="list-style-type: none"> <li>● Restorative Conferencing</li> </ul>
Teachers and Student Support Services Personnel	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Detention</li> <li>● Loss of privileges</li> <li>● Formal removal under Education Law Section 3214</li> </ul>

Coaches/Extracurricular Advisors	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Detention</li> <li>● Suspension from athletic participation/extracurricular activities</li> </ul>
Director of Transportation	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Suspension from transportation</li> </ul>
Director of Health, Physical Education and Athletics	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Suspension from athletic participation</li> </ul>
Assistant Principals	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Detention</li> </ul> <p>Suspension from athletic participation/extracurricular activities/other activities</p> <p>In-school suspension</p>
Principal/Principal Designee	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Detention</li> <li>● Suspension from athletic participation/extracurricular activities/other social activities/privileges</li> <li>● Suspension from transportation</li> <li>● In school suspension</li> <li>● Short-term suspension from school (five days or less)</li> </ul>
Superintendent/Superintendent Designee	<ul style="list-style-type: none"> <li>● Written notice to parents</li> <li>● Suspension from athletic participation/extracurricular activities/other social activities/privileges</li> <li>● In school suspension</li> <li>● Short term suspension from school (five days or less)</li> <li>● Long term suspension (more than five days)</li> <li>● Permanent suspension from school</li> </ul>

Board of Education	<ul style="list-style-type: none"> <li>● Short term suspension from school (five days or less)</li> <li>● Long term suspension (more than five days)</li> <li>● Permanent suspension from school</li> </ul>
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**B. Consequences/Penalties Assigned by Administrator**

The list below outlines the disciplinary consequences imposed by principals, assistant principals/designees, and/or the Superintendent/designee.

1. Student conference\*
2. Notification of parent/guardian\*
3. Loss of privileges/short-term exclusion from a particular class or activity
4. Lunch/recess detention or hall/pass restriction
5. Detention
6. Suspension from transportation
7. Suspension from athletic participation
8. Suspension from social or extracurricular activities
9. In-school suspension
10. Short-term (five days or less) suspension from school
11. Referral to Superintendent’s Hearing - Long-term (more than five days) suspension from school

**C. Application of a Range of Consequences**

Each student will be issued consequences within the range identified in the following chart for the described major behavior infractions. The numbers in the chart column labeled “range of consequences” correspond to the list of potential consequences outlined in section B above.

Consequences shall be:

- a) progressive in a manner that increases in severity with the frequency and/or duration of the behavior, and is proportional to the impact the behavior has on the learning environment, and/or safety of students, staff and the community. Consequences within the range identified can be used in combination, as appropriate, based on the student’s discipline history and behavior support needs.
- b) developmentally appropriate in a manner that considers the age, grade, cognitive and social functioning of the student.

c) issued in conjunction with the implementation of interventions designed to achieve a long- term, positive change in behavior and increased social competency of the student.

Description of Major Behavior Infractions	Range of Consequences
<b>Overt Defiance/Insubordination</b> - Refusal to follow directions in a timely manner despite redirection, arguing with an adult or talking back.	1, 2 and 3-11
<b>Failure to Report to Detention</b> - Unexcused absence from either teacher assigned or administrator assigned detention.	1, 2 and 3-9
<b>Abusive Language</b> - Language that is profane, obscene, harassing, disrespectful or hurtful directed at another individual.	1, 2 and 3-11
<b>Disrespect</b> - Socially rude interactions with adults or peers that continue or disrupt the learning environment after verbal warnings and/or redirection from supervising adult.	1, 2 and 3-11
<b>Major Disruption</b> - Behavior causing an interruption in a class or an activity that cannot be redirected or contained by verbal directions from the supervising adult.	1, 2 and 3-11
<b>Unsafe Behavior</b> - An intentional act that results in injury or places the student committing the act or bystanders at risk of injury.	1, 2 and 3-11
<b>Technology Violation</b> - Use of technology resources in violation of FCSD's acceptable use policy, district policies or procedures regarding student use of electronic devices and/or the internet.	1, 2 and 3-11
<b>Cheating (Including Plagiarism)</b> - Intentionally copying another's work and/or presenting it as one's own; providing answers for another student or receiving answers from any source without authorization.	1, 2 and 3-5, 7-11
<b>Lying</b> - Making a statement that is untrue.	1, 2 and 3-11
<b>Forgery</b> - Signing a document with another person's name or presenting a document that does not have a legitimate signature or purpose.	1, 2 and 3-11

<b>Theft</b> - Taking materials or objects that belong to another person without appropriate permission.	1, 2 and 3-11
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19

<b>Skipping</b> - Unexcused absence from class.	1, 2 and 3-9
<b>Truancy</b> - Unexcused absence from school without parental consent or permission.	1, 2 and 3-9
<b>Left School Grounds</b> - Leaving school grounds during hours of required attendance or leaving a school function without permission.	1, 2 and 3-9
<b>Harassment</b> - Creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being	1, 2 and 3-11
<b>Vandalism/Property Damage</b> - Substantial destruction or disfigurement of property that is intentional.	1, 2 and 3-11
<b>Use/Possession of Tobacco</b> - Possession, distribution or consumption of any kind of tobacco product or tobacco substitute or facsimile.	1, 2 and 3-9
<b>Fighting</b> - Mutual participation in an incident involving physical violence.	1, 2, and 6-11
<b>Physical Aggression</b> - Acts that involve physical contact with the intent to harm another person.	1,2, and 6-11
<b>Bullying/Cyberbullying</b> - Harassment that reflects an actual or perceived imbalance of power; is repeated or cumulative, and intentional. Cyberbullying is bullying that utilizes social media or electronic communications.	1, 2 and 3-11
<b>Use/Possession of Combustibles:</b> Possession of combustible materials such as matches or lighters.	1, 2 and 3-11

<p><b>Use/Possession of Alcohol</b> - Possession, distribution or consumption of any kind of alcohol.</p>	<p>1,2, and 6-11</p>
<p><b>Use/Possession of Drugs</b> - Possession, distribution or unauthorized use of any drug, including illegal drugs, imitation, “look alike” or synthetic drugs, prescription drugs or over the counter medications not taken in accordance with district medication administration policies. Possession of paraphernalia typically used for drugs.</p>	<p>1,2 and 10 or 11</p>

<p><b>Use/Possession of a Weapon</b> - Weapon means a firearm as defined in section 921 of Title 18 of the United States Code 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, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death, or when brandished.. A weapon is an object that could cause serious physical injury or death. Common objects can be considered weapons only if they are used in a way that causes substantial risk of serious physical injury or death, or actually causes serious physical injury or death.</p>	<p>1,2 and 9,10 or 11</p>
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**D. Procedures**

In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

**1. Detention**

Teachers, principals, assistant principals/designee and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student’s parent has been notified and the student has appropriate transportation home following detention.

**2. Suspension from transportation**

If a student does not conduct himself/herself properly on a District vehicle or Districted contracted transportation, the driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, assistant principal/designee or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely and on time. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension from transportation to discuss the conduct and the penalty involved.

**3. Suspension from athletic participation, extra-curricular activities and other privileges** A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

#### **4. In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals, assistant principals/designee and the Superintendent/designee to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in in-school suspension.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are limited to: (1) short-term time out in a classroom; (2) accompanying and supervising a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor, support staff or other District staff member for problem solving discussions. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is **substantially** disruptive of the educational process or **substantially** interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the classroom expectations, teacher's instructions or repeatedly violates approved classroom behavior rules or engages in extremely insubordinate or volatile behavior (s).

A classroom teacher may remove a disruptive student from class for up to **two** school days. The removal from class applies to the class of the removing classroom teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one school day. In addition, the teacher shall notify the principal's office of the removal at the time it occurs.

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

Within one school day after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal to discuss the reasons for the removal.

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

The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- c. The conduct warrants suspension from school pursuant to Education Law 3214 and a suspension will be imposed.

The principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the two-school day period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal or his/her designee makes a final determination, pursuant to Education Law Section 3214(3-a) (c), 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 by the removing teacher until he or she is permitted to return to the classroom.

Each teacher must keep a complete log, on a District provided form, for all cases of students removed from class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement.

## **6. Suspension from school**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals/designees.

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the Superintendent or principal (referred to as the suspending authority) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal at which the student will have opportunity to present their version of the event and at which the parent may upon request question witnesses. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**Long-term (more than 5 days) suspension from school:** When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a formal hearing. The building principal may recommend to the Superintendent that a suspension of more than five days is warranted. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

#### Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### **E. Minimum Periods of Suspension**

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

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

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

f. Other extenuating circumstances.

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

2. Students who commit violent acts other than bringing a weapon to school: Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for up to five days and possible referral to a Superintendent hearing. The Superintendent may reduce such a period of suspension on a case-by-case basis to be consistent with any other State and Federal Law.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for five days with possible referral to Superintendent hearing. For purposes of this Code of Conduct, repeatedly substantially disruptive means engaging in conduct that results in the student being removed from the classroom by the same teacher pursuant to Education Law 3214 (3-a) and this code on four or more occasions during a semester. The student and student's parent will be given the same notice and opportunity for an informal conference given to all student's subject to a short term suspension. The Superintendent may reduce such a period of suspension on a case-by case basis to be consistent with any other State and Federal Law.

## **F. Referrals**

Student support services personnel, including counselors, school psychologists and/or school home liaisons, shall handle all referrals of students for the following:

1. Counseling
2. Preventive Services Referral
3. Probation Intake Referral
4. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Juvenile Delinquents and Juvenile Offenders.

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

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

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

## **X. REMEDIAL RESPONSES TO VIOLATIONS OF THE CODE OF CONDUCT**

Students who violate this Code may also be subject to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- a. behavioral assessment or evaluation;
- b. peer support groups; corrective instruction or other relevant learning or service experience;
- c. supportive intervention in accordance with the Fulton City School District Response to Intervention Plan;
- d. behavioral management plans, with benchmarks that are closely monitored; and/or e. student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b. adoption of research-based prevention programs;
- c. modification of schedules;
- d. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations;
- j. involvement of community partners and/or
- k. peer support groups.

## **XI. ALTERNATIVE INSTRUCTION**

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

## **XII. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or other disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

1. For purposes of this section of the Code of Conduct, the following definitions apply. A suspension means

a suspension pursuant to Education Law § 3214. A removal means a removal for disciplinary reasons from the student's current educational placement other than a suspension or a change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others. An IAES means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his/or her current educational placement as follows:

a. The Board, the District (BOCES) Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. Additional removals or suspensions of not more than 10 consecutive school days in the same school year may be imposed as set forth in "a" and "b" above for separate incidents of misconduct, as long as those suspensions or removals do not constitute a change of placement. d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

1. **Weapon** means the same as dangerous weapon under 18 U.S.C. § 930 (g)(w) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except[for] a pocket knife with a blade of less than 2.5 inches in length.

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

3. **Illegal drugs** mean a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law. 4. **Serious bodily injury** means 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. 3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. The principal or Superintendent of schools, when imposing a suspension or removal for disciplinary reasons shall determine on a case-by-case basis whether the series of removals or/and suspensions constitutes a change of placement, subject to due process and judicial review.
3. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. Whenever a decision is made to impose a suspension or removal for disciplinary reasons that constitutes a change in placement, a manifestation team (including a school District representative knowledgeable about the student and the interpretation of information about the child's behavior, the parent, and the relevant CSE members as determined by the parent and the District) shall meet to determine if the conduct is a manifestation of the student's disability, as required by Section 201.4 of the Commissioner's Regulations.
2. The District's Committee on Special Education shall:
  - a. Arrange for a functional behavioral assessment to be conducted to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans when the manifestation team determines that the conduct subject to disciplinary action is a manifestation of the disability.
3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. If it is claimed by the parent or by school personnel that the school District had a basis to know that the student was a student with a disability prior to the infraction, the Superintendent, building principal or other school official imposing a suspension or removal for disciplinary purposes shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

- 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations, or
- 3) the parent has not allowed an evaluation or has refused services.

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

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

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

#### **D. Expedited Due Process Hearing**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
- c. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury, or on grounds of dangerousness, or regarding a
- d. Determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
- e. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 20 school days of receipt of the request for a hearing in accordance with the procedures set forth in Section 201.11 of the Regulations of the Commissioner of Education.

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

In accordance with the provisions of IDEA and its implementing regulations: authorities, and such action will not constitute a change of the student's placement. 2. The Superintendent shall provide copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported, to the extent consistent with Federal Educational Rights and Privacy Act (FERPA).

### **XIII. CORPORAL PUNISHMENT**

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

However, when alternative procedures and methods that do not involve the use of physical force cannot be successfully used, reasonable physical force may be used to:

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



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

## **VISITORS TO THE SCHOOL**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor. Visitors may be asked to provide picture identification.
2. All visitors to the school will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, may be required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal and classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules and expectations for public conduct on school property contained in this Code of Conduct.

## **XV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing a safe, orderly and 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, responsible, safe 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 and respectful of others in attendance.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute, display or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) and any other legally protected status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Consume, sell, distribute or use any tobacco product or paraphernalia, e-cigarettes, juuls, vapor pens/pipes/devices, inhalant device, nicotine delivery devices or the products, cartridges or pods used for those devices.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
12. Loiter on or about school property, or be on school property without a legitimate purpose.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

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

1. Visitors. Authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal and law enforcement may be called upon if the situation warrants.
2. Students. They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020A or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law 75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivision 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate appropriate disciplinary action as provided for in XIII.B- Penalties. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XVI. DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of an age-appropriate version of the summary of the code to all students, written in plain language, to ensure that students understand the standards of respect and appropriate behavior that the school community expects from them. This shall take place at a general assembly held at the beginning of each school year and on an on-going basis at registration for those students who enter the District after the beginning year meeting.
2. Making copies of the code available to all parents, students and community members throughout the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Posting a complete and condensed version of Code of Conduct on the District web site. [www.fultoncsd.org](http://www.fultoncsd.org).
8. The District Newsletter shall be mailed home each year to each household and business in the school District referencing the Code of Conduct and the means to access it.

The Board will provide in-service education programs for all District staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, discrimination and harassment 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 or sex, 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 following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code: (1) School-oriented programs developed at the District and building level; (2) Superintendent's workshop days; and (3) faculty meetings. 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.

Approved by Board of Education:

July 12, 2023