

# ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY

## Code of Conduct K-12 Parent Summary

*The Safe Schools Against Violence in Education (SAVE) Act and Section 100.2(1) of the Regulations of the Commissioner of Education require that each school district adopt a written policy on school conduct and discipline "designed to promote responsible student behavior." In August 2001, the Board of Education adopted a K-12 Code of Conduct (CODE). This printing, revised in 2015 is a summary of the complete CODE. A copy of the complete CODE document is available at all Middletown schools for any interested parent or community member and is also available on the District's website at <http://www.middletowncityschools.org>.*

### INTRODUCTION

The Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents 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. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. Unless otherwise indicated, this Code of Conduct applies to all students, school personnel, parents and others visitors when on school property or attending a school function. The District also reserves the right to discipline students for "off-campus" conduct (i.e. conduct that does not occur on school property or at a school function) which endangers the safety, morals, health or welfare of others within the educational system, or which adversely affects the educative process. In addition, the District has the legal authority to discipline students for off-campus speech that actually causes, or that is reasonably forecast by school officials as being likely to cause, a material and substantial disruption to the work and/or discipline of the school.

This Code of Conduct shall apply at all times, throughout the calendar year and shall not be construed or have time or date limitations as a function of the school term.

### STUDENT RIGHTS AND RESPONSIBILITIES

#### ***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 rights as outlined in the Code of Conduct.

#### ***Responsibilities***

It shall be the responsibility of each student in the Middletown Enlarged City School District to be a good citizen of the district as outlined in the Code of Conduct.

### 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.

### CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

### 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.

### DISCIPLINARY PROCEDURES, PENALTIES, AND REFERRALS

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

#### ***Procedures***

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

The student's age.

The nature of the offense and the circumstances that led to the offense.

The student's prior disciplinary record.

The effectiveness of other forms of discipline.

Information from parents, teachers and/or others, as appropriate.

Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Individual behavior management plans may preclude a gradual process.

### **Penalties**

Students who are found to have violated the district's Code of Conduct may be subject to the penalties, either alone or in combination with one another. The school personnel identified are authorized to impose that penalty, consistent with the student's right to due process.

### **Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the 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.

### **DISCIPLINE OF STUDENTS WITH DISABILITIES**

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

### **INDIVIDUALIZED BEHAVIOR PLAN**

Students who exhibit inappropriate behavior on a continuous basis may be required to have an individualized behavior management plan. This plan is designed as a collaborative approach among administrators, counselors, teachers, students, and parents to improve student behavior. The individualized behavior management plan becomes a part of the student's discipline file.

### **STUDENT CONDUCT**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed. Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. If students fail to meet the responsibility for academic integrity, they subject themselves to possible sanctions such as grade reduction, course failure, removal from the course, and/or suspension.

### **STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance as outlined in the Code of Conduct.

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

### **STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals/administrators, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. An authorized school official may conduct a search of a student's belongings, such as a book bag, so long as the school official has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating school rules and/or the law, and provided that the search is limited in scope so that it is reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction

### **VISITORS TO SCHOOLS**

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 authorizing all persons in the building and on the grounds.

### **STAFF-STUDENT RELATIONS**

Staff members shall maintain professional relationships with students at all times. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that is due him/her.

In the event that any complaint is made involving an allegation of child abuse in an educational setting, the mandatory reporting provisions of the Education Law shall be followed by District staff.

No staff member, teacher or administrator may use their private vehicle- for the transportation of students at any time except in cases of extreme emergency and with previous parental and administrative approval.

Staff members, teacher or administrators shall not engage in mentoring of students for any purpose whatsoever without advance notice to parents and building principals.

## REPORTING CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational environment which does not threaten their physical and emotional health and development. Child abuse by school personnel violates this right and therefore is strictly prohibited.

Any school district employee or school board member to whom allegation has been made of child abuse by an employee or volunteer in an educational setting shall submit a written report to the principal of the school where the abuse occurred. The principal is to notify the Superintendent of Schools. School administration or the Superintendent of Schools will promptly notify the parents, law enforcement authorities, and the Commissioner of Education if a State Education Department certified employee is involved.

## EXECUTIVE MISCONDUCT

In the event allegation of child abuse is made against the Superintendent or any Central Office administrator, the principal and Board of Education will proceed in accordance with Board Policy #0325. In the event it becomes necessary to take any disciplinary action against the Superintendent, the President of the Board will appoint a subcommittee of District trustees and the District Superintendent for Orange-Ulster BOCES to monitor compliance.

## STUDENT ATTENDANCE

It is a goal of the Enlarged City School District of Middletown to ensure that each student attends school the maximum number of days possible in order to afford each student the opportunity to meet his/her potential.

The building principal or designee will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records monthly or more frequently as needed. This review will be conducted to identify individual and group attendance patterns and to initiate appropriate action to address problems of unexcused absences, tardiness, and early departures.

## ELECTRONIC EQUIPMENT

Students and visitors to the District may not engage in any conduct that constitutes misuse or unauthorized possession and/or use of electronic equipment, including but not limited to cell phones, and/or conduct that otherwise violates District policy pertaining to the use of computers and/or other electronic equipment and/or devices.

## Cell Phones

A copy of District Policy No. 7316, pertaining to "Possession and use of personal cell phones in school" is included in appendix C of the Code of Conduct document. "Possession and Use of Personal Cell Phones in School".

## DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT)

As set forth more fully in the complete Code and in District Policy No. 7554, the District condemns all forms of harassment, bullying and discrimination. No student shall be subjected to harassment, bullying and/or discrimination by employees or students on school property or at a school function (or off school property, as set forth in this policy, to the extent consistent with applicable law); nor shall any student be subjected to harassment, bullying and/or 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 by school employees or students on school property or at a school function. Further, the Board prohibits retaliatory behavior directed at any person who, having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination, acting reasonably and in good faith, either: 1) reports such harassment, bullying or discrimination to: a) school officials, b) the Commissioner of Education, or c) law enforcement authorities; or 2) initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination. The names and contact information for the District's Dignity Act coordinators are as follows:

### Elementary

#### Maple Hill Elementary

Coordinator: Matthew Kelly  
Phone Number: 845-326-1740  
Address: 491 County Route 78  
Middletown, NY 10940

#### Presidential Park Elementary

Coordinator: William Trinkle  
Phone Number: 845-326-1850  
Address: 50 Roosevelt Avenue  
Middletown, NY 10940

#### William A. Carter

Coordinator: Lynne Ellis  
Phone Number: 845-326-1711  
Address: 435 East Main Street  
Middletown, NY 10940

### Middle School

#### Monhagen Middle School

Coordinator: David Maffei  
Phone Number: 845-326-1700  
Address: 555 County Route 78  
Middletown, NY 10940

#### Twin Towers

Coordinator: Camille Adoma  
Phone Number: 845-326-1650  
Address: 112 Grand Avenue  
Middletown, NY 10940

### High School

Coordinator: Adam Chagares  
Phone Number: 845-326-1600  
Address: 24 Gardner Avenue Ext.  
Middletown, NY 10940

# Rules and Guidelines for Student Conduct

## **A. Engage in conduct that is disorderly.**

1. running in hallways.
2. making unreasonable noise.
3. using language or gestures that are profane, lewd, vulgar, or abusive.
4. engaging in any willful act that disrupts the normal operation of the school community.
5. trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
6. loitering on school or private property.
7. parking in unauthorized areas.
8. obstructing vehicular traffic.
9. obstructing pedestrian traffic.

## **B. Engage in conduct that is insubordinate.**

1. lateness to class.
2. lateness for school.
3. class cutting.
4. skipping detention.
5. presence in unauthorized area.
6. leaving school without permission.
7. truancy.
8. possession and or use of contraband.
9. failure to comply with the dress code or any other school policy
10. failure to comply with the lawful and reasonable directions of any staff member.
11. defiance of a staff member's lawful and reasonable directive.
12. demonstrating disrespect towards any staff member.
13. interfering with classroom instruction in any way.

## **C. Engage in conduct that is violent.**

1. willfully damaging, defacing, or destroying the personal property of any individual lawfully on school property.
2. willfully damaging, defacing, or destroying school District property.
3. committing an act of violence (such as but not limited to hitting, kicking, spitting, punching, scratching, and/or threatening) upon any person lawfully on school property.
4. possessing a weapon on school property or at a school sponsored event (see Code definitions) .
5. displaying what appears to be a weapon.
6. threatening to use violence, a weapon or any other instrument for a violent purpose.
7. complicity to commit arson.
8. sexual assault.
9. use of a weapon or any other instrument for a violent purpose.

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

1. misleading and/or lying to school personnel.
2. stealing school property and/or the property of others.
3. defamation.
4. discrimination.
5. harassment.
6. bullying, intimidation, or coercion.
7. Hazing (as set forth in District Policy No. 7553).
8. act of sexual harassment as defined in the District's sexual harassment policy.
9. use of vulgar or abusive language directed at any person lawfully on school property or at a school function .
10. possession, exchanging, distribution, selling or use of lewd and/or obscene material.
11. using any device containing tobacco such as a cigarette, ecigarette, cigar, pipe, or using chewing or smokeless tobacco.
12. using a vaporizer for any other purpose than medically specified in a prescription under the supervision of a school nurse as specified in BOE Policy 7513.
13. possessing, consuming, selling, distributing or exchanging alcoholic beverages, controlled substances, or illegal substances, or being under the influence.
14. inappropriately using, sharing, or selling over-the-counter or prescription drugs.
15. possession of drug-related paraphernalia, including hash pipes, water pipes, clips, rolling papers, or any other items related to drug use.
16. gambling and/or the use of gambling for money, services, or other materials as a means of exploitation.
17. indecent exposure.
18. inciting a riot.
19. open flame – unauthorized use of a lighter, match, etc.

20. initiating a report warning of fire (i.e. pulling alarm) or other catastrophe without valid cause; misuse of 911; discharging a fire extinguisher; sabotaging, disabling, or destroying security devices.
- creating an unsafe situation.
21. inciting a riot.
22. open flame – unauthorized use of a lighter, match, etc.
23. possession, exchanging, distribution, selling, or use of fireworks or other incendiary items on school property or at school functions.
24. use or possession of counterfeit items.
25. inappropriate/unsupervised use of laser pointers or similar devices.

## **E. Engage in misconduct while on a school bus.**

1. excessive noise, rude, annoying conduct.
2. improper boarding or departure procedures.
3. foul language or gesture.
4. spitting, littering.
5. eating, drinking.
6. hanging out of window.
7. failure to remain seated.
8. pushing, tripping, kicking, fighting.
9. any action deemed to interfere with the orderly operation and safety of the bus by the driver or other supervisor.
10. misbehavior while waiting for or after exiting a bus when not on school property.
11. any action that distracts the driver.
12. all other applicable offenses identified in this Code.
13. throwing objects inside or outside of a bus.
14. insubordination/refusing to obey the driver.
15. lighting matches/smoking on the bus.
16. destruction of property.
17. tampering with bus equipment.

## **F. Engage in any form of academic misconduct;**

1. Plagiarism
2. Cheating
3. Body language or gestures to communicate responses
4. Wrongful possession or use of academic material
5. Forgery or alteration of academic material
6. Theft and/or destruction of academic material or records

## **G. Engage in any conduct that violates the use of electronic equipment or the District computer policy:\*\***

1. Policy 7314: Student Use of Computerized Information Resources (Acceptable Use Policy).
2. Policy 8271: The Children's Internet Protection Act; Internet Content Filtering/Safety Policy.

***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 with one another:***

- Referral to support personnel.
- Loss of privilege(s).
- Loss of parking permit.
- Detention.
- Parental notification, written or verbal, and/or conference.
- Suspension from extra-curricular activities.
- Suspension from transportation services.
- In-school suspension.
- Short-term suspension (five days or less) out of school.
- Superintendent's hearing, followed by long-term suspension (more than five days) out of school by Superintendent, Board of Education.
- Permanent suspension from school by Superintendent, Board of Education.
- Police notification.
- Confiscation of contraband item.
- Restitution for damages.

***\* Multiple infractions may result in increased specific school actions at the discretion of the administrator.***

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

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