

# OCSD Code of Conduct

## Introduction

The Board of Education (“board”) recognizes the right of each student to a free and appropriate public education, and is therefore committed to the development of an open and accepting environment. However, providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference requires a degree of conformity with basic rules. 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 on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (“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.

## Definitions

For purposes of this code, the following definitions apply. “Disruptive student” means an elementary or secondary 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.

“Parent” means parent, guardian or person in parental relation to a student.

“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, as defined in Vehicle and Traffic Law §142.

“School function” means any school-sponsored extra curricular event or activity.

“Violent student” means a student under the age of 21 who:

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.
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.

“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, 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.

“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.

“Illegal drugs” means 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.

“Repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom,” means a student who engages in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law 3214(3-a) and the provisions set forth in this Code of Conduct on four or more occasions during the semester.

### **A. Student Rights**

The district endeavors to safeguard 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, creed, national origin, religion, gender or sexual orientation or disability.
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, when necessary, receive an explanation of those rules from school personnel.

### **B. Student Responsibilities**

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 and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and 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. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to disciplinary action.
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.

## **Essential Partners**

### **A. Parents**

All parents are expected to:

1. Recognize 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.
4. Ensure absences are excused.
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 are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers.
10. Help their children deal effectively with peer pressure.

11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

### **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Teachers will work to resolve individual student problems in the classroom and school environment and keep documentation of persistent infractions.
8. Teachers will show respect for students and other members of the school community.

### **C. Guidance Counselors**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

### **D. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

### **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

## **F. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to adopt a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. 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.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

## **Student Dress Code**

School is a learning environment. As such, it should be as free of distractions as possible. Toward that end, no one should wear to school clothing that is offensive, distracting, or otherwise disruptive of the educational process. The administration will be the final judge of what is and is not appropriate; however, the following items are not appropriate for school:

1. Clothing which advertises or promotes products which are illegal for students. (e.g. tobacco, alcohol, illegal drugs)
2. Clothing containing sexually explicit or suggestive messages, or messages that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability.
3. Halter-tops or shirts with straps thinner than two inches.
4. Shirts that expose the midriff or an excessive amount of the chest.
5. Skirts, dresses or shorts that do not extend beyond the longest finger when the arm hangs in a relaxed fashion.
6. Pants or shorts worn in such a way that undergarments are exposed.
7. Footwear that is a safety hazard.
8. Hats or other head coverings except for a medical or religious purpose.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. A student who refuses to do so shall be is guilty of insubordination. Penalties for insubordination include both in-school and out of school suspension.

## **Student Conduct**

The ultimate goal of the student code of conduct is the creation of a safe environment conducive to a quality educational experience and equal access to that experience for all students. The following guidelines are designed to assure that every student has the opportunity to contribute to the creation of such an environment.

## **Philosophy**

All members of the school community have the right to work and learn in an environment that is physically and psychologically safe.

Parents have the right to be fully informed of the school's procedures for encouraging responsible behavior, and they have the responsibility of supporting it.

Parents and school staff members are responsible for teaching children appropriate behavior consistent with their developmental level.

## **Prohibited Student Conduct**

Student will be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
  1. Running in hallways'
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar, or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.

6. Trespassing. Students are not allowed in any school building, other than the one they normally attend, without permission from the building administrator.
  7. Computer/electronics misuse, including any unauthorized use of computers, software, or Internet/Intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engaging in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students, or otherwise demonstrating disrespect.
  2. Lateness for, missing, or leaving school without permission.
  3. Skipping Detention.
- C. Engaging in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or other person lawfully on school property, or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of a students, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel, or any 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 or the person or the identifiable group by demeaning them.
  4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner.
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Hazing. See section on Hazing.
  8. Selling, using , or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
  11. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
  12. Inappropriately using or sharing prescription and over-the-counter drugs.
  13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharge of a fire extinguisher.
- F. Engage in misconduct on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.
- G. Engage in any forms of academic misconduct. Examples of academic misconduct include:
  1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.

## **Bullying**

For purposes of this policy, the term “bullying” among children is defined, in general, as: “a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful.” Bullying can take three forms:  
a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings)  
b) Verbal (including, but not limited to, taunting, malicious teasing, name-calling, making threats); and  
c) Psychological (including, but not limited to, spreading rumors, manipulating social relationships, or engaging in social exclusion, extortion, or intimidation).

The District also prohibits “Internet bullying” (also referred to as “cyber-bullying”), including the use of Instant Messaging, e-mail, web sites, chat rooms, and text messaging, when such use interferes with the operation of the school or infringes upon the general health, safety, and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute “bullying” (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

By its very nature, bullying can be very difficult to detect. It is often disguised as “joking” or friendly teasing. It is the responsibility of every member of the school community to aggressively respond to bullying situations.

**Students** should report each and every such situation to a responsible adult, even if they fear that it may make the situation worse. They need to trust the adults, even if it seems that nothing has been done about past reports.

**School Personnel** need to earn that trust by reacting appropriately to student behavior they witness that may be bullying and by making sure that all cases of bullying reported by students are aggressively investigated and that guilty parties are assigned appropriate consequences.

**Parents** are urged to communicate any concerns to their children and, when appropriate, with school officials.

## **Hazing**

For purposes of this policy, the term "*hazing*" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. 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 drugs
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional, and/or sexual abuse which may range in severity from teasing/embarrassing activities to life-threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and is against District policy, the *District Code of Conduct*, and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Penalties for hazing will be determined by the administration based on the severity and duration, but all concerned should be aware that it is considered to be a very serious offense.

## **Electronic Devices**

Students have no need for cell-phones during the school day; however, personal computing devices, which often include phones, may have legitimate educational uses. Therefore, students may use such devices, but only under the supervision of a teacher. For example, students may use electronic devices to carry appropriate reading material or to take photos for a school project. They may not use such devices in any way that is disrespectful, disruptive or detracts in any way from their ability or the ability of others to focus on the lesson.

A student who fails to comply with this policy is being disorderly and is subject to disciplinary action, up to and including suspension from school

**The Oneonta City School District is not responsible for lost or stolen property.**

## **Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

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 or illegal substance found shall be confiscated immediately, if possible, 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 may be made by telephone. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **Procedures**

Occasionally, a student's behavior is such that it infringes on the rights of other students to a free and appropriate public education. The entire school community recognizes the gravity of such situations, reacts to them in a calculated way, and follows procedure in doing so. The amount of due process to which a student is entitled 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.

### **1. Suspension from Transportation**

If a student does not conduct himself/herself properly on the bus, the bus driver is expected to bring such misconduct to the attention of the building principal. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the superintendent or his designees. In such cases, the students' parents become responsible for seeing to it that the student gets to and from school safely. 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 building principal or the principal's designee to discuss the conduct and the penalty involved.

### **2. Alternative Instruction**

A student assigned to alternative instruction 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 Alternative Education to discuss the conduct and the penalty involved.

### **3. 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 not limited to: (1) sending a student to the principal's office for the remainder of the class time only; or (2) sending a student to a guidance counselor or other district staff member for counseling. 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 teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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. A classroom teacher may remove a disruptive student from class for up to three days, providing that the procedure below has been followed and failed to modify the student's behavior.

1. When the teacher first identifies the student as a disruptive influence, the teacher should speak to the students and remind the student of the pertinent sections of the code. At this point a detention may be assigned.
2. If the behavior continues, the teacher shall contact the parent to discuss the student's behavior. The teacher will also inform an administrator that such a contact has been made.

3. If the student continues to be a disruption in class, the teacher will consult with other of the student's teachers to learn any classroom management techniques that may be successful with that individual and implement them when appropriate.

4. The removal from class applies to the class in which the offenses occur only.

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 24-hours. In this situation, the teacher must present a written explanation for the removal to the principal or his or her designee as soon as possible, but no later than the end of the school day. If the principal or designee 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 or designee prior to the beginning of classes on the next school day.

The teacher shall mail this written explanation (in the case of a student who poses a danger or on-going threat) or documentation that the process proscribed above has been followed to the parent of the student within 24 hours. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. In addition to the written notice, the teacher shall contact the parent by telephone.

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 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of 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:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or 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 48-hour 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 makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be assigned to the alternative instruction room during the period of that class to participate in appropriate teacher generated instruction and activities until he or she is permitted to return to the classroom. A complete log for all cases of removal of students from class shall be kept in the alternative instruction room.

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

#### **4. 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.

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.

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.

a. 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 notice should also be provided by telephone.

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. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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 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’s clerk within 10 business days 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.

b. Long-term (more than 5 days) suspension from school

When the superintendent or building principal 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 fair hearing. 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.

## **Minimum Periods of Suspension**

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

Any student, other than a student with a disability, 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:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. 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 at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom as defined in this code, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **Referrals**

1. Counseling
2. The Guidance Office shall handle all referrals of students to counseling.
3. 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. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

### 3. Juvenile Delinquents and Juvenile Offenders

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

- 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 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **Student Interrogations and Searches**

The Board of Education endeavors to provide 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 of Schools, Building Principals, school nurses 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 administrator may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the limited search.

The rules of the code regarding searches of students and their personal belongings do not apply to student lockers, desks, and other school storage places, which are school property. School property may be searched at any time by school officials, without prior notice to students and without their consent.

## **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.

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 and 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 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 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. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those 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 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.

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 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm 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 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. School personnel may not suspend or remove a student with disabilities if imposition of the suspension 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 a 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.

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. 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 is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal 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. If there is no basis for knowledge that the student is a student with a 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. 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.
3. 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 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.

4. 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.
5. Superintendent hearings 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.
6. The removal of a student with disabilities other than a suspension or 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 disability.
7. 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 Hearings**

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.
    - 1) 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 on grounds of dangerousness, or regarding a 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.
    - 2) 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 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## **Public Conduct on School Property**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

### **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 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 race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
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. 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.
10. 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.
11. Loiter on or about school property.
12. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
13. Willfully incite others to commit any of the acts prohibited by this code.
14. 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. Their 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 ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a 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 immediate ejection and 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 subdivisions 4 and 5. 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 disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

### **Visitors to the 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 all persons in the building and on the grounds. For these reasons, the following rules 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.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they 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.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not 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 classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not 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 or 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 for public conduct on school property contained in this code of conduct.

## **Acceptable Computer Usage Policy**

### **Purpose of Policy**

The Oneonta City School District is pleased to offer students and employees access to district computing resources (computers, network resources, Internet, electronic mail, etc). The District believes that student learning benefits from access to the Internet to explore thousands of libraries and databases while exchanging information with other Internet users around the world.

In accordance with the requirements of the Children's Internet Protection Act (CIPA), E-Rate and Title II-D funding, this policy addresses:

- A. Access by minors to inappropriate matter on the Internet,
- B. Safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications,
- C. Unauthorized access including “hacking” and other unlawful activities by minors online,
- D. Unauthorized disclosure, use and dissemination of personal information regarding minors, and
- E. Restricting minor’s access to materials harmful to minors.

While meeting the above requirements, this policy defines the acceptable use of Oneonta City School District computing services with a view of ensuring the reliability, security, and integrity of the system. The technology policies contained here have been formulated with student safety and achievement and data security as priorities.

**I. Instructor Responsibility**

- a. The District expects that teachers will blend thoughtful use of the Internet throughout the curriculum and will provide guidance and instruction to students in its use. As much as possible, access from school to Internet resources should be structured in ways which point students to those which have been evaluated prior to use. While students may be able to move beyond those resources to others that have not been previewed by staff, they shall be provided with guidelines and lists of resources particularly suited to learning objectives.
- b. When using the Internet for class activities, teachers will:
  - i. Select material that is age-appropriate and relevant to the course objectives.
  - ii. Preview the materials and sites students are required to access regarding appropriateness of material.
  - iii. Provide guidelines and lists of resources to assist students in channeling their research activities effectively and properly.
  - iv. Assist students in developing the skills to ascertain truthfulness of information, distinguish fact from opinion, and engage in discussions about controversial issues while demonstrating tolerance and respect for those who hold divergent views.
- c. Instructors are responsible for his/her actions and activities involving school district computers, networks, and Internet services, and his/her computer files, passwords and accounts.

**II. Student Responsibility**

- a. The District expects that students will use computing resources when appropriate to meet educational needs.
- b. Students will use District computing resources ONLY for educational purposes.
- c. Students will use only those user ID’s and passwords which are assigned to them for access to District computing resources.
- d. Students will protect their personal user ID’s and passwords to maintain the integrity and prevent unauthorized use of District computing resources.
- e. Students are responsible for his/her actions and activities involving school district computers, networks, and Internet services, and his/her computer files, passwords and accounts.
- f. Students are responsible for protecting their identity and will not reveal personal information (name, address, telephone) online.

**III. Parental Responsibility**

- a. Parents can expect that their children will use the Internet at school for reasonable, educational research and learning. Students will have an appropriate degree of supervision according to their grade level and ability.

- b. Parents are responsible for setting and conveying the standards that their children should follow when using media and information resources.
- c. Parents will have the right to investigate contents of their child's electronic files.

**IV. Privacy**

- a. System users have no expectation of privacy in the contents of their personal files and records of their online activity while on the District system.
- b. Routine maintenance and monitoring of the system may lead to discovery that the user has or is violating the Acceptable Computer Use Policy, student disciplinary code, Board of Education policy, or law.
- c. District system users should be aware that their personal files/email might be discoverable, according to the state public records laws.

**V. Due Process and Violation Consequences**

- a. The District will cooperate fully with local, state, or federal officials in any investigation regarding illegal activities conducted through the Internet or the District email system.
- b. If an allegation is made that a student has violated the Acceptable Computer Use Policy, the student will be provided with a notice and opportunity to be heard in the manner set forth in the student disciplinary code.
- c. Disciplinary actions should be related to the violation and may include loss of account.
- d. Employee violations of the Acceptable Computer Use Policy will be handled in accordance with district policy.

**VI. Email**

- a. Staff Email
  - i. Full time certified employees will receive an email account. Classified and/or part time employees may receive an account if approved by the building administrator.
  - ii. Email / Computer passwords are an important safeguard of our systems and must not be shared.
  - iii. Employees should understand and practice responsibility regarding email use and the risk of opening unexpected email attachments.
- b. Student Email accounts
  - i. Limited student email accounts may be provided for educational purposes.
  - ii. Student email accounts will be monitored for inappropriate content.

**VII. Netiquette**

- a. Courtesy, decorum, respect and appropriate language is expected in electronic communications.
- b. Users should be sparing in their use of shared bandwidth.

**VIII. Acceptable Use of Technologies**

- a. The level of access that users have to school district computers, networks and Internet services is based upon specific user requirements and needs.
- b. User access to the school district's computers, networks and Internet services is provided for administrative, educational, communications and research purposes consistent with the school district's educational mission, curriculum and instructional goals. General rules and expectations for professional behavior and communication apply to use of the school district's computers, networks and Internet services.

**IX. Unacceptable Use of Technologies**

General examples of unacceptable uses which are expressly prohibited include, but are not limited to, the following:

- a. Intentionally introducing viruses or any code which disrupts or damages the system.
- b. Attempting to circumvent the system's protective measures
- c. Installing software or hardware without explicit permission of system administrators.
- d. Using communications technology to harass or threaten others.

- e. Any inappropriate communications. The term inappropriate or unacceptable will be defined by district administrators in each situation.
- f. Purposely accessing inappropriate sites.
- g. Using a username/user ID and/or password that is not your own to access any district computer system.
- h. Any use as a forum for communicating by email or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school sponsored purpose, whether profit or non-for-profit. No user shall knowingly provide school email address to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Users who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or other appropriate administrator.

**X. Content Filtering**

- a. Internet content filtering is mandated by law (Children’s Internet Protection Act) and is implemented at Oneonta City School District at the user level. All student and public accounts (such as those used at library public access computers) are affected by the filtering mechanism.
- b. Internet filtering should strive for the proper balance of safety and access to information.
- c. Email content is checked for virus type code both incoming and outgoing. Certain types of file attachments that are commonly used to transmit viruses are blocked. Email is not screened for inappropriate content.

**XI. Liability**

The district makes no warranties either expressed or implied that the computer and/or network services provided through the district system will be error free. The district will not be responsible for any interruption of service or errors experienced by loss of or damage to data. The district will not be responsible for accuracy or quality of information obtained neither through the system nor for any financial obligations arising through the unauthorized use of the system. Users shall indemnify and hold the district harmless from any losses sustained as the result of intentional misuse of the system by the user.

**XII. Audits**

The administration may conduct periodic audits of software installed on district computers.

**XIII. Acceptable Software**

To safeguard the system, restrictions are necessary regarding installation of non-supported software.

**XIV. Web Sites**

- a. Student / Organizational Web Sites
  - i. Must be sponsored and have continuing oversight of an adult staff member including the adult’s contact information.
  - ii. Students will be taught not to reveal personal information (name, address, telephone or credit card number) online.
  - iii. All Web pages created by students and student organizations on the district’s computer system will be subject to treatment as district sponsored publications. Accordingly, the district reserves the right to exercise editorial control over such publications.
- b. District Web Sites
  - i. School web sites
    - 1. School websites should be kept current and updated at least quarterly.
    - 2. Web site design should follow district standards for quality and accessibility.

3. School web sites must provide a link to the Oneonta City School District home page.
  4. Links should be thoroughly screened for appropriateness.
  5. Consent for use of copyrighted materials must be obtained or permitted by software licenses. The Fair Use Exemption should not be assumed.
- c. Acceptable Use / Copyrights (also see article XV)
    - i. Use of copyrighted materials requires consent of the copyright owner.
  - d. Including student works
    - i. Including good examples of student works is strongly encouraged.
    - ii. Use of the student name must follow district policy appropriate for the age of the student. In all cases student or parent wishes in the matter must be honored.
  - e. Interactivity
    - i. Where appropriate, interactive content (discussions, forums, email communications) is encouraged. Online discussions and forums submissions must be screened for appropriateness before being posted.
    - ii. All interactive websites must adhere to the Children’s Online Privacy Protection Act (COPPA) regulations. See: <http://www.ftc.gov/bcp/online/pubs/buspubs/coppa.htm>
  - f. Student Photographs / Names (Individual )
    - i. No addresses, student email addresses or student ID numbers may be published on web pages.
    - ii. Student home addresses and/or phone numbers may not be published on public district web sites.
    - iii. Photographs of individual students should not be displayed on a school building Web site or district wide Web site unless prior, explicit permission has been obtained from a parent or guardian.
      1. Grades K – 5: Unless written consent is obtained, publication of photos of this age group on district web sites must be of groups of three or more individuals. No names may be associated with the photographs unless written parental consent is obtained. Photos from a distance are encouraged.
      2. Grades 6-8: Unless written consent is obtained, photos of this age group on district web sites must be of groups of three or more individuals. First names may be associated with the photographs. Full names may be used only with parental consent.
      3. Grades 9-12: Web publication of photos of individual students is permitted. First and last names published in association with the photograph are permitted only with parental/student consent. An exception to this policy is allowed for photography of extracurricular events and teams, though individual parental/student preferences must still be followed.
    - iv. Unauthorized use of a student’s likeness or other identifiable information could constitute a violation of the Family Educational Rights and Privacy Act (FERPA).

## **XV. Copyrighted Materials**

- a. Use of Copyrighted materials: The Board of Education of the Oneonta City School District hereby affirms that respect for personal property, whether tangible or intangible, is vital to maintaining a stable learning and work environment. Students and employees of the school district are expected to follow copyright law and the copyright procedures established by the Superintendent. Any willful infringement will be punished in accordance with the student disciplinary code and employee disciplinary procedure.

Students and staff members who willfully infringe the copyrights of others will be reported to the appropriate authorities and may be subject to criminal or civil penalties. The Board of Education hereby directs the Superintendent of Schools to implement regulations consistent with this policy.

- b. Ownership of Products: Unless there is a specific agreement to the contrary, products created within the scope of employment relationship shall be the property of the Board of Education. K-12 student work, unless created while the student is working for the school district, are the property of the individual student. Unless a student gives specific direction to the contrary, the school district may display notable student work created during the same school term or school year in education contexts (e.g., posting on school bulletin board or at a school show). In the opinion of the Board of Education, such limited educational posting constitutes fair use.

## **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 a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of 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.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The board of education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.