

# **Hannibal Central School District**



## **Code of Conduct**

## **Our Vision**

The students of the Hannibal Central School District graduate from high school, college and career ready. Students are positioned to pursue their dreams and goals, equipped with qualities that include perseverance, determination, and a respect for our society. Our graduates leave excited and energized to succeed in the 21st Century and beyond.

The entire Hannibal community is committed to student success. High quality instructional programs are rigorously implemented to recognize and support each student's unique learning style, individual interests, and talents. Maximizing student potential as they develop a passion for lifelong learning is critical in providing the core knowledge and skills for embracing a fulfilling and bright future.

The Hannibal community understands the need to work collaboratively to prepare our students for future success. We seek ways in which all stakeholders are able to discuss, plan, and make decisions that put our students first.

Partnerships are a key to success. Connections between school, families, and community assist students in their intellectual, physical, creative, social-emotional, and moral development. Through a shared belief that we all have a critical role in the success of our students, we stand together...We Are Hannibal!

# Code of Conduct

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# 1. Purpose and Scope

The Hannibal Central School District’s Board of Education 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, responsibility, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences 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.

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

This Code of Conduct governs the conduct of students, teachers, other school personnel, and visitors pursuant to 8 NYCRR section 100.2(1)(2)(i).

# 2. Student Rights and Responsibilities

A responsibility is an obligation one has in order to retain the privileges associated with a right to certain freedoms. Students are accountable for their own behavior on District property and at District functions. With every right comes a responsibility.

<b><i>It is the student’s right:</i></b>	<b><i>It is the student’s responsibility:</i></b>
<p>To attend school in the District in which one's parent or legal guardian reside and be provided with an equal opportunity to acquire an education without interference from other students until the time of graduation, or the age of 21, whichever occurs first</p>	<p>To attend school daily, regularly and on time. Schools cannot educate students who do not attend class. Students who enter a classroom after a lesson has begun are interfering with the rights of others to learn and study. Only excused absences will be allowed.</p> <p>Students will strive to do the highest quality work possible and be granted the opportunity to receive a good education.</p> <p>In addition, students shall come to school with the necessary books and materials.</p>
<p>To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.</p>	<p>To be aware of all rules and expectations regulating student behavior and conduct oneself in accordance with these guidelines. Students should cooperate with school personnel at all times. Rules are created to provide the process for a school to educate students. Schools cannot achieve this goal if they are required to expend valuable instructional time maintaining order. Students must obey the rules established by this Code.</p>

<p>To be respected as an individual.</p>	<p>To respect one another and treat others in the manner that one would want to be treated. Students shall also respect public property and carefully use and return materials and equipment. Schools represent a gift of the community to its young people. It is wrong to abuse that gift.</p>
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<b><i>It is the student's right:</i></b>	<b><i>It is the student's responsibility:</i></b>
To express one's opinions verbally or in writing.	To express opinions and ideas in a respectful manner so as not to slander or restrict the rights and privileges of others.
To dress in such a way as to express one's personality.	To prepare for future careers by dressing appropriately in accordance with the dress code, so as not to endanger the physical health, safety, limit participation in school activities or be unduly distracting.
To be afforded equal and appropriate educational opportunities.	To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
To take part in all school activities on an equal basis regardless of race, color, weight, creed, religion, religious practice, sex, sexual orientation, gender (including gender identity or expression), national origin, ethnic group, political affiliation, age, marital status, or disability.	To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
To have access to relevant and objective information concerning drug and alcohol abuse, other issues concerning student health and wellness, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.	To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender (including gender identity or expression), sexual orientation, political affiliation, marital status, or disability, by employees or students on school property or at a school-sponsored event, function or activity	To respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity for All Students Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.
To have privacy and be free from unreasonable search and seizure on District property and at District functions.	To understand that desks and lockers are District property; the District has the right to search desks and lockers at any time. Moreover, a student will be deemed to have consented to the search of his or her motor vehicle as a condition of the privilege of parking said vehicle on District property.
To have access to student records. Students, parents, and legal guardians have the right to have access to official student school records as provided by law. District personnel will work with parents to determine an appropriate time and method for the presentation of this material.	To ensure that school correspondence for parents reaches home. Education requires a partnership between parents and guardians, students, and the school.
To due process. When faced with possible discipline, students have the right to the procedural due process set forth in this Code.	To attend school daily as an active participant in the school community. To be prepared and ready to work up to your capabilities in order to be successful in and out of the classroom.

### 3. Definitions of Key Words and Phrases

#### A. Common Definitions

For purposes of this Code, the following words and phrases shall have the meanings set forth below:

**After School Detention** is the requirement to stay after school for a designated period of time.

**Arson** is deliberately starting a fire with intent to damage or destroy property.

**Assault with physical injury** means to intentionally or recklessly cause physical injury (not serious) to another person with or without a weapon.

**Assault with serious physical injury** is to intentionally or recklessly cause serious physical injury to another person, with or without a weapon, including injury which causes substantial risk of death, disfigurement, protracted impairment of health, or the loss or impairment of the function of any bodily organ.

**Bomb threat** means conveying with knowledge that the information is false that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.

**Burglary** is entering or remaining unlawfully on school property with intent to commit a crime.

**Criminal mischief** is the intentional or reckless damaging of property, including vandalism and the defacement of property with graffiti.

**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.

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Discrimination** is the intimidation or unfair treatment against any student by a student or students and/or an employee or employees based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity or expression) or other legally protected status.

**Disruptive Student** means an elementary or secondary student under the age of twenty-one (21) who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Drug Paraphernalia** includes any device or instrument that on its face is used for the diction, packaging, distribution, or ingesting of a controlled substance, illegal substance or prohibited substance. This includes but is not limited to hash pipes, water pipes, clips, rolling papers, or any other items related to drug use or drug distribution.

**Emotional Harm** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.



**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

**Gender** - means actual or perceived sex and includes a person's gender identity or expression.

**Gender Expression** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

**Gender Identity** is one's self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**Harassment and Bullying** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions and may include conduct occurring off campus if the conduct has a nexus to the school environment or disrupts the school environment.

**Illegal substances** include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."

**In-School Suspension** will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**Insubordination** is the refusal or failure to comply with any District rule, regulation or policy.

**Interim Alternative Educational Setting ("IAES")** is a temporary educational placement for a student for a period up to 45 days, other than the student's current placement at the time of the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, to continue to receive appropriate services and modifications, including those described on the student's current individualized educational program ("IEP"), and to meet the goals set out in such IEP, and includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent such behavior from occurring.

**Manifestation Determination Review** is a meeting to review the relationship between a student's disability and the behavior subject to disciplinary action. Its purpose is to determine whether the conduct in question was 1) caused by or had a direct and substantial relationship to the student's disability or 2) the direct result of the school district's failure to implement the student's IEP or Section 504 Plan ("504 Plan"). Such determination must be based on a review of all relevant information in the student's file, including the student's IEP or 504 Plan, teacher observations, and relevant information provided by the student's parents.

**Minor altercations** involve striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm, or seriously annoy another person, without causing physical injury. Fights that do not result in serious physical injury are considered minor altercations.

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

**Plagiarism** is the unauthorized use of another's material that is represented as one's own work. Plagiarism is a piece of writing that has been copied from someone else and is presented as being your own work. Plagiarism occurs when you purposely and knowingly commit one of these acts: You turned in another paper into your own. You copied reference material into your paper without quotation marks and without citing author and page. You paraphrased material into your paper without an in-text citation to author and page. You summarized referenced material without citing original source.

**Reckless endangerment** is subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.

**Riot** means four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.

**Robbery** is the forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.

**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 a school sponsored extracurricular event or activity.

**Sexting** is the sending of sexually explicit photographs, images, text messages, or emails via a cellular phone or other mobile device.

**Sexual harassment** includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.

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

**Suspension** is the disciplinary removal of a student from his or her regular educational program and activities in accordance with Education Law §3214

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

**Violent student** means a student under the age of 21 who engages in a violent or disruptive incident as described under Violent Conduct below.

**Weapon** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other device, instrument, material or substance that can cause physical injury or death including but not limited to:

- a firearm, including but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun;
- a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife
- a billy-club, blackjack, bludgeon, chukka stick, or metal knuckles;
- a slingshot;

- a martial arts instrument, including but not limited to, a ninja star, nun-chuck;
- an explosive, including but not limited to, a firecracker, or other fireworks;
- a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace or pepper spray;
- an imitation gun;
- loaded or blank cartridges or other ammunition or;
- any other deadly or dangerous instrument.

## **B. Attendance Definitions**

**Scheduled Instruction** is every period that a student is scheduled to attend instructional or supervised activities during the course of a school day during the school year.

**Absent** means the student is not present for the period of a student's scheduled instruction.

**Early Departure** is when a student leaves prior to the end of the student's scheduled instruction.

**Excused** is any absence, tardiness, or early departure for which the student has a valid school-approved excuse. Such excused absences shall include: personal illness, illness or death in the family, religious observance, required court appearances, medical treatment, approved college visits, military obligations, impassable roads, absences approved in advance by the principal, and other reasons as may be approved by the Commissioner of Education.

**Unexcused** is any absence, tardiness or early departure for which the student has no valid school-approved excuse. Such unexcused absences shall include shopping trips, hunting, babysitting, family vacation, oversleeping, absence to allow for more time to complete schoolwork or study for a test, missed the bus, skipping class, and any other absence that is not excused.

**Tardy** means the student arrives later than the starting time of the student's scheduled instruction.

**Truant** means unexcused absence without permission from home or school.

**Suspension** is an absence from school by principals or superintendent's direction for disciplinary reasons.

## **4. Essential Partners**

### **A. Expectations for Parents**

- 1) Recognize that the education of children is a joint responsibility of the parents or guardians and school community.
- 2) Send children to school ready to participate and learn. Ensure that they attend school regularly and on time. Ensure absences are excused.
- 3) Insist children be dressed and groomed in a manner consistent with the student dress code.
- 4) Help children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 5) Know school rules and help children understand them to maintain a safe, orderly environment.
- 6) Convey to children a supportive attitude towards education and the District.
- 7) Build good relationships with school staff and community.
- 8) Work with our schools to maintain open and respectful communication.

- 9) Help children deal effectively with peer pressure.
- 10) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 11) Provide a place for study and ensure homework assignments are completed
- 12) Teach children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

## **B. Expectations for Teachers**

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image 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:
  - Course objectives and requirements.
  - Marking/grading procedures.
  - Assignment deadlines.
  - Expectations for students.
  - Classroom discipline plan.
- 6) Communicate regularly with students, parents and other teachers concerning growth and achievement.
- 7) Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- 8) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 9) Promptly report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or DAC in a timely manner.

## **C. Expectations for School Counselors**

- 1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2) Initiate and appropriately document teacher/student/counselor conferences and parent/teacher/student/ counselor conferences, as necessary, as a way to resolve problems.
- 3) Regularly review with the students their educational progress, career plans and graduation requirements.
- 4) Provide information to assist students with career planning.

- 5) Encourage students to benefit from the curriculum and extracurricular programs.
- 6) Coordinate Intervention Support Services, as needed, with student, parent, building principal and teachers.
- 7) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 8) Promptly report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or DAC in a timely manner.

#### **D. Expectations for Student Support Service Personnel**

- 1) Support educational and academic goals.
- 2) Know school rules, abide by them and enforce them in a fair and consistent manner.
- 3) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 4) Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
- 5) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 6) Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
- 7) Regularly review with students their educational progress and career plan.
- 8) Provide information to assist students with career planning.
- 9) Encourage students to benefit from the curriculum and extra-curricular programs.
- 10) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 11) Promptly report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or DAC in a timely manner.

#### **E. Expectations for Other School Staff**

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
- 3) Assist in promoting a safe, orderly and stimulating school environment.

- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 6) Promptly report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or DAC in a timely manner.

## **F. Expectations for Building Administrators**

- 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 the effective safety, behavioral and school management issues related to all instructional programs.
- 4) Support the development of and student participation in appropriate extracurricular activities.
- 5) Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- 6) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/ (including gender identity or expression), or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 7) Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the DAC.

## **G. Expectations for the Superintendent**

- 1) Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, 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 School Board about educational trends, including 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.
- 6) Address all areas of school-related safety concerns.

## **H. Expectations for the Board of Education**

- 1) Be familiar with the schools. Visit all school buildings, become acquainted with the schools, staff and students, attend district functions, and become familiar with District operations.
- 2) Support program development. Develop and support programs that provide for the needs of all students, including those with special needs.
- 3) Support effective discipline. Enforce student and staff discipline in accordance with District policies and the requirements of New York State law.
- 4) Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- 5) Approve 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.
- 6) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
- 7) Community Education. Inform the community what is expected of the District's students and the consequences if the rules are violated.
- 8) Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

## **5. Other Standards and Expectations**

### **A. Dress Code**

The responsibility for the dress and appearance of students shall rest with individual students and parents. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

It is the intent of the Hannibal Central School District that every effort is made to ensure the safety and security of those within the District. The Board expects that District employees and students will be appropriately dressed while on District property and at District functions. The Board also expects that visitors will be appropriately attired while on District property and at District functions. The principal or his/her designee will serve as the final authority in determining the appropriateness of dress. Although the appropriateness of an individual's dress will depend, to some degree, on the circumstances, building and setting, the following rationale and goals will guide determination:

Student dress codes should support equitable educational access and should not reinforce gender stereotypes.

Student dress codes and administrative enforcement should not reinforce or increase marginalization or oppression of any group based on race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance.

## Goals of a Student Dress Code

- Maintain a safe learning environment in classes where protective or supportive clothing is required.
- Allow students to wear clothing of their choice that is comfortable.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.

## Basic Principles:

- Certain body parts must be covered for all students
- Clothes must be worn in a way such that genitals, buttocks, navel, and nipples are covered with non-transparent material.
- All items must meet this basic principle.

### 1. Students Must Wear:

- Shirt
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes: activity/safety-specific shoes requirements are permitted

### 2. Students May Wear:

- Hats, including religious headwear
- Hoodie sweatshirts, but the hood must be down at all times in school
- Fitted pants, including leggings, yoga pants and “skinny jeans”
- Ripped jeans, as long as underwear is not exposed.
- Tank tops
- Athletic attire
- Clothing with commercial or athletic logos provided they do not violate Section I above.

### 3. Students Cannot Wear:

- Violent language or images.
- Images or language depicting drugs or alcohol (or any illegal item or activity) or the use of same.
- Hate speech, profanity, pornography.
- Images or language that creates a hostile or intimidating environment based on any protected class.
- Visible underwear (i.e., visible waistbands or straps).
- Bathing suits.
- Helmets or headgear that obscures the face (except as a religious observance).



## **B. Visitors**

All visitors shall be required to report to the Main Office upon arrival at school and state their business. Visitations to classrooms for any purpose, including by parents wanting to observe their child, require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits.

Since schools are a place of work and learning, certain limits must be set for such visits that occur during normal school hours. For these reasons, the following rules apply to visitors to the schools:

1. The principal has authority over all persons in the building and on school grounds. All visitors to the school must report to the designated entry area (see below) upon arrival at the school to sign the visitor's register and be issued a visitor's identification badge.
2. The principal may send written notice to any individual who has displayed disruptive and inappropriate conduct informing that person that he or she must request and obtain prior written consent before entering the school building from and after the date of such notice. The requirement for prior consent shall continue until rescinded by the building principal.
3. The identification badge must be worn at all times while in the school or on school grounds, and returned to the principal's office before leaving the building.
4. Teachers should not be expected to take class time to discuss individual matters with visitors.
5. Anyone who is not a regular staff member or student of the school is considered a "visitor."
6. Visitors are required to abide by this code of conduct and all Board policies. The designated entry points for each building are as follows:
  1. **District Office** – Entry is located at 928 Cayuga Street at the south end of the high school. Upon entering, visitors must sign in through the Registrar's office.
  2. **Hannibal High School** – Entry is located at the front 928 Cayuga St. entrance. Upon entering, visitors must sign in through the attendance office.
  3. **Kenney Middle School** – Entry is at the 846 Cayuga Street entrance, located at the south end of the middle school complex. Upon entering, visitors must sign in through the main office.
  4. **Fairley Elementary School** – Entry is located at the 953 Auburn Street entrance in the front of the building. Upon entering, visitors must sign in through the main office.

## **C. School Rules**

The principal of each school is hereby delegated the authority to establish standards of conduct and rules for local matters, school building activities and the granting or withholding of student privileges. These standards and rules may include procedures for homeroom; student assemblies; emergency drills; study halls; use of the cafeteria; conduct in the building hallways; use of student lockers; student passes; school parking privileges; book bags and backpacks in the building; bicycles, skateboards, scooters and similar means of transportation; the use of electronic devices and laser pointers; card playing; and other local matters related to discipline and order in the building. These rules are subject to the approval of the Superintendent of Schools and the Board of Education.

## **D. Emergency Drills and Evacuation Procedures**

It is imperative that students follow the instructions of the administration and faculty/staff whenever there is an emergency drill, lock down, lockout, or evacuation. Failure to follow directions will result in a disciplinary consequence. Under no circumstances should a student leave campus or the supervision of a

teacher unless instructed by the school administration. The procedures announced by the principal and/or designee during an emergency must be followed completely to ensure the safety of all.

### **1. Emergency Drills**

The administration of each school building shall provide instruction for and training of students, through drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Emergency drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. Eight of the drills must be evacuation drills, of which at least four must use fire escapes or identified secondary means of egress. Four of the drills must be lock down drills. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

At least once during the school year, the district must conduct a test of its emergency plan or emergency response procedure under each of its building-level emergency response plans (no earlier than 15 minutes before normal dismissal). Parents or guardians will be notified of the drill at least one week in advance.

### **2. After-School Programs**

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

### **3. Implementation**

The Board of Education directs the superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the district-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

### **4. Bus Emergency Drills**

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven (7) days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills shall be conducted when buses are on routes.

Students who ordinarily walk to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and

windows as a means of escape in case of fire or accident;

- c) Orderly conduct as bus passengers.

#### **5. Instruction on Use of Seat Belts**

When a school bus is equipped with seat safety belts, the District shall insure that all students who are transported on such school bus owned, leased or contracted for by the District or CITI (BOCES) shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three (3) times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

#### **E. School Dances**

All dances at Fairley Elementary, Kenney Middle School, and Hannibal High School are for the students of those schools only. Only Hannibal High School has a guest pass procedure; passes will be granted at the discretion of the principal and/or designee for the following school dances: Junior Prom and the Senior Dinner Dance.

#### **F. Cell Phone/Electronic Device Policy**

- a. Cell phone policy for Fairley Elementary, Kenney Middle School, and Hannibal High School will be determined by their respective building principals. Use of any personal electronic device may be authorized by the building administrator and/or classroom teacher for educational purposes in the classroom. **However, photographing or video-recording with cell phones or personal electronic devices within any school building during normal school hours is strictly prohibited.**
- b. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved.
- c. Cell phone use rules will be determined by the bus driver on each bus. In the absence of any rules established by the driver, cell phone use is not permitted. However, under no circumstance are students to take pictures, for personal use or to publish, while on the school bus.

*Hannibal Central School District accepts no responsibility for lost or stolen personal electronic devices on any school property.*

#### **G. Eligibility for Extracurricular Activities**

Students who participate in certain extracurricular activities must maintain satisfactory academic progress. Specific guidelines for each activity are available from the group advisor.

A student who has been suspended from school will be ineligible for participation in all school activities including practice sessions during the term of the suspension.

Participation in athletics is a privilege and not a right. Participants should demonstrate respect and concern for the rights and feelings of others and behave in a manner that reflects favorably on him/herself, family, school and community. Students who participate in athletics must read and return a signed copy of the Athletic Code of Conduct (Appendix A) indicating their understanding and acceptance

of the rules contained.

## 6. Dignity for All Students Act

### A. General Information

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex by school employees or students on school property, on a school bus, or at a school function.

The District's designated Dignity Act Coordinators are:

<b>Name:</b>	<b>School Building:</b>	<b>Contact Information:</b>
Kate Hooper	Hannibal High School	928 Cayuga Street Hannibal, NY 13074 (315) 564-8130
Sharon Laverty	Kenney Middle School	846 Cayuga Street Hannibal, NY 13074 (315) 564-8120
Maggie Olon	Fairley Elementary School	953 Auburn Street Hannibal, NY 13074 (315)-564-8110

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

1. Professional development for staff members
2. The complaint process
3. Management of the Dignity Act's civility curriculum components.

The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall investigate the complaint, document and take appropriate action to include, as necessary, referral to a supervisory authority and/or other official designated by the District to investigate allegations of harassment and bullying within a reasonable amount of time. Referrals may be made to ANY higher level of supervisory authority. All complaints of alleged harassing, bullying and/or retaliatory conduct will be promptly investigated in accordance with the terms of District policy and shall be treated as confidential and private to the extent possible within legal constraints.

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

1. Promptly investigated in accordance with the terms of district policy
2. Forwarded to the program's Dignity Act Coordinator for monitoring
3. Treated as confidential and private to the extent possible within legal constraints.

## **B. Policy Definitions**

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

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Cyberbullying** means harassment or bullying as defined below, where such harassment or bullying occurs through any form of electronic communication.

**Dignity Act Coordinators (DACs)** refers to one or more staff members in each school, appointed by the Board of Education, who are: (i) instructed about the provisions of the District's Dignity Act Policy and the Dignity for All Students Act (DASA); (ii) thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex; (iii) provided with training which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex; (iv) provided with training in the identification and mitigation of harassment, bullying and discrimination; and (v) provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. The following are the names and contact information for the District's DACs:

**National Origin** means a person's country of birth or ancestor's country of birth.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

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

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

## **7. Prohibited Student Conduct Defined**

The District Board expects all students to conduct themselves in an appropriate and civil manner per the District Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their

own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive and violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

### **A. Disorderly Conduct**

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

- 1) Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
- 2) Obstructing vehicular or pedestrian traffic.
- 3) Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 4) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
- 5) Unauthorized use of personal electronic devices
- 6) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- 7) Throwing objects, including snowballs, is prohibited because of the danger of injury to others and because of possible damage to school property.
- 8) Students may not make collections of money from other students in the school building, including lunch, without special permission.
- 9) Students may not bring glass bottles or containers to school.
- 10) Students are not to have electronic devices in the hallways or classrooms without teacher permission. The District will not be responsible for lost/stolen equipment if the student brings these items to school.

### **B. Insubordinate Conduct**

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

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect.
- 2) Being late for, missing or leaving school or class without permission.
- 3) Skipping detention or other assigned consequences.

### **C. Disruptive Conduct**

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

- 1) Failing to comply with the reasonable directions of teachers, District administrators or other school personnel in charge of students or otherwise demonstrating disrespect.
- 2) Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

#### **D. Violent Conduct**

**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.
- 8) Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

#### **E. Other Misconduct**

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

- 1) Lying, deceiving or giving false information to school personnel.
- 2) Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- 4) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender (including gender identity or expression), marital or veteran status or disability as a basis for treating another in a negative manner on school property or at a school function.
- 5) Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender (including gender identity or expression) or sex.
- 6) Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- 7) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, all social media platforms, or by any other electronic means, when such use interferes with



the operation of the school; or infringes upon the general health, safety and welfare of students or employees.

- 8) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- 9) Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- 10) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any district or school sponsored activity, organization, club or team.
- 11) Selling, using, possessing or distributing obscene material.
- 12) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, electronic cigarettes, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- 13) Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- 14) Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
- 15) Gambling and gaming.
- 16) Inappropriate touching and/or indecent exposure.
- 17) Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.

## **F. Misconduct on a School Bus**

The Hannibal Central School District furnishes transportation to those students whose disability or distance from the school makes the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this district.

Bus drivers shall be held responsible for managing student behavior while students are riding the bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the

Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

In general, school buses are extensions of the classroom, and standards of student conduct similar to those that apply in the classroom shall apply to conduct on school buses. Any misbehavior on the school bus should be reported to the driver immediately. The bus driver is in charge of the bus. Bus drivers are responsible for the safety of all passengers while in transit, and they must be given the attention and respect of all students. Students are to obey, at all times, the instructions of the driver. They should also heed rules printed in the buses.

### **G. Academic Misconduct**

Examples of academic misconduct include, but are not limited to:

- 1) Plagiarism.
- 2) Cheating.
- 3) Altering records.
- 4) Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
- 5) Violation of the District Acceptable Use Policy for technology.
- 6) Assisting another student in any of the above actions.

### **H. Misconduct Committed Off School Property**

- 1) Threatens the health, safety, or welfare of a student, teacher, or other member of the school district or staff.
- 2) Is likely to interfere with a positive educational environment.
- 3) Constitutes sexual or another form of harassment that is likely to carry over to the educational environment.

## **8. Disciplinary Penalties, Procedures, and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel 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.

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:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

### **A. Penalties**

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

- 1) Oral warning—any member of the District staff.
- 2) Written warning to student—any member of the District staff.
- 3) Written notification to parent—coaches, guidance counselors, teachers, and administrators.
- 4) Detention—teachers and administrators.
- 5) Lunch Detention—teachers and administrators.
- 6) Suspension from transportation—director of transportation, and administrators.
- 7) Suspension from athletic participation—coaches, director of athletics, and administrators.
- 8) Suspension from social or extracurricular activities—activity director, and administrators.
- 9) Suspension of other privileges—administrators.
- 10) In-school suspension—administrators.
- 11) Removal from classroom by teachers—teachers and administrators.
- 12) Short-term (five days or less) suspension from school—administrators and Board of Education.
- 13) Long-term (more than five days) suspension from school—superintendent and Board of Education.
- 14) Permanent suspension from school—superintendent and Board of Education.

### **B. Procedures**

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

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

**i. Detention**

Teachers, and administrators may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

**ii. Suspension from Transportation**

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

**iii. Suspension from Athletic Participation/  
extracurricular Activities**

Extracurricular programs are available to augment the total education a student receives while attending school. The Board of Education wishes to promote students' participation and attendance in extracurricular activities while emphasizing the need for good daily attendance, academic effort, and appropriate behavior. With these factors in mind the Board of Education establishes standards to govern student participation in and attendance at extracurricular activities with the expectation that athletics, clubs, and activities may establish additional qualifications that are pertinent to their organization.

This procedure pertains to all extra-curricular activities such as athletics, student council, clubs, etc. Advisory/coaches will inform teaching staff of the members of their organization by distributing rosters to staff or posting them in the faculty room and by handing them in to the Student Administration Office so they may be added to the Activities Listing that can be accessed through School Tools. In the case of gross misconduct, principals may make a student ineligible at their discretion.

**iv. In-school Suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of

conduct violation in “in-school suspension.” The in-school suspension supervisor will ensure equivalent instruction is provided to the student.

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

**v. Teacher Disciplinary Removal of Disruptive Students**

**a. Purpose**

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 manage 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) short-term break in a classroom or in an administrator’s office, provided that the room is unlocked, able to be opened from the inside, and the student is continuously visually and audibly monitored at all times; (2) sending a student into the hallway briefly, while the student is continuously visually and audibly monitored at all times; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) providing access to a guidance counselor or other District staff member to check-in. 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.

**b. Right to Remove a Disruptive Student**

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

**c. Teacher Conference with Student**

If the disruptive student does not pose a danger or ongoing 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.

**d. Exception to the Rule**

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.

**e. Principal's Role**

The teacher must submit a complete district-established electronic referral via the student information system prior to the end of the school day, including an explanation of the circumstances of the removal.

Within 24-hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reason for the removal.

The notice must be provided by phone, personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal. 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.
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.

**f. Continued Educational Program**

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

**g. Documenting the Removal Process**

Each teacher must complete an electronic referral in the student information system for all cases of removal of students from his or her class. The principal or his or her designee will use the electronic referral in the student information system to monitor all removals of students from class.

#### **h. Removal of Special Education Student**

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

#### **vi. 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. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

##### **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 must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice with 24 hours of the student's removal. Where possible, notice must 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 accused student and/or the student's parents shall, in most cases, be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. However, where the District's interest in protecting the identity of a student witness outweighs the interest of the student alleged to have engaged in misconduct, the accused student and/or the student's parents may not question the witness.

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

practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**b) Long-term (more than 5 days) Suspension from School**

When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to present witnesses and other evidence on his or her behalf and the right, in most cases, to cross-examine witnesses against him or her. Where the District's interest in protecting the identity of a student witness outweighs the interest of the student alleged to have engaged in misconduct, the accused student and/or the student's parents may not cross-examine witnesses against him or her.

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 finding 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.

**c) Permanent Suspension**

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

**vii. District Employees**

Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a, and any other legal rights that they



may be entitled to.

Civil Service employees who are entitled to the protections of Civil Service Law §75 shall be subject to charges as the facts may warrant. Said charges will be filed and prosecuted pursuant to said statute, and in accordance with any other legal rights they may be entitled to.

Other staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may be entitled to.

Any District employee, whose conduct on District property or at a District function disrupts academic or other school activities or threatens the welfare of the person or property of others, shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with any legal rights that they may be entitled to.

### **viii. Visitors**

The administration has authority to determine whether the visitor has an appropriate reason for being in the building. If the visitor is judged by the administrator not to have an appropriate reason, the visitor will be asked to leave. The police may be notified if the situation warrants.

The following procedures shall apply to violations of this code by visitors and non-students:

1. The Board of Education hereby delegates authority to enforce these rules and regulations to the superintendent. The Superintendent of Schools may designate such person, or persons, as he or she deems necessary, for the enforcement of these rules and regulations against visitors and non-students.
2. The superintendent or his/her designee may initiate and/or receive charges of any alleged violation of these rules and regulations by visitors and non-students and cause investigations to be made.
3. The superintendent and his/her designee may request all lawful assistance to secure, remove, eject or otherwise prevent persons from adversely affecting public order or from materially disrupting normal school processes.
4. Enforcement of these rules and regulations against persons other than the students shall be as provided by this Code and all applicable law.

## **C. 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 are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority over the Classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent 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 parent 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.

## **D. Referrals**

### **1.) Counseling**

The Guidance Office shall handle all referrals of students to counseling.

### **2.) 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 s/he 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 that 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.

### **4.) Law Enforcement**

The principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct. The principal must also immediately notify the Superintendent of Schools of other code violations that constitute a crime and substantially affect the order or security of a school. The superintendent is to inform the appropriate local law enforcement agency as soon as practical, but in no event later than the close of business on the day the superintendent learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day. The notification must identify the student(s) and explain the conduct that violated the code and constituted a crime.

### **5.) Juvenile Justice Agencies**

The District will immediately confiscate any weapons, alcohol or illegal substances possessed by a student and will notify the parent of the student involved of the incident. Appropriate disciplinary action will be taken, up to and including permanent suspension and referral for criminal prosecution. The Superintendent of Schools shall refer any student who is determined to have brought a weapon to school who is under the age of sixteen, or who is fourteen or fifteen years old and does not qualify for juvenile offender status under the Criminal Procedure Law to the County Attorney for a juvenile delinquency proceeding before the Family Court. The Superintendent of Schools shall refer a student over the age of sixteen and any student fourteen or fifteen years old who qualifies for juvenile offender status to the appropriate law enforcement authorities for prosecution. Students fourteen or fifteen years old who qualify for juvenile offender status under section 1.20 of the Criminal Procedure Law include those who possess a concealed firearm, machine-gun or loaded firearm on school grounds. The Superintendent of Schools may consult the District counsel if he or she has any question as to whether the student in question does qualify for juvenile offender status.

### **6.) Red Flag Law**

School administrators or designees have the right to file a petition or application for a Temporary Extreme Risk Protection Order for any student who is enrolled at the school where the administrator or designee is employed, or has been enrolled in the last six months, who they believe is likely to engage in conduct that would result in serious harm to himself, herself, or others. The administrator or designee may then seek a Final Extreme Risk Protection Order.

## **7.) Human Services Agencies**

The Superintendent of Schools shall make a referral of a student discipline case to an appropriate human service agency whenever, in his or her judgment, the same is warranted. The superintendent may receive and consider the recommendations of the student's principal, teachers, counselor, school psychologist and other pupil services personnel familiar with the student in deciding whether to make such a referral and, if so, to which agency. The parent of the student shall be informed of the referral.

## **8.) Superintendent's Designee**

The Superintendent of Schools may, in his or her discretion, designate an individual to perform the obligations imposed upon the superintendent by this Section.

## **E. Alternative Instruction**

When a teacher removed a student of any age from class 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.

## **F. Discipline of Student with Disabilities**

The Board recognized that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognized 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 regulations.

### **i. 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, the school board, the superintendent, or the building principal 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 educational 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.

“**Weapon**” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate,

that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”

“**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.

- 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 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, either directly or upon recommendation of a hearing officer, 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.

## ii. **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 or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspension 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.

**iii. 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.

1) 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.

2) 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.

Conduct a manifestation determination as soon as possible, but not more than 10 school days after the decision to place the student in an IAES or impose a suspension that constitutes a change of placement, to 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 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 his 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.

8) Students with 504 Plans are also entitled to manifestation determinations when subjected to a "significant change in placement." A manifestation determination is to be conducted in the same

way, regardless of whether the student has an IEP or a 504 Plan. The manifestation determination team must include individuals who are knowledgeable regarding the student's disability and the meaning of his/her evaluation results.

## **9. Use of Force by District Employees**

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.

In situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force by a District employee may be used to:

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

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

## **10. Student Searches and Interrogation**

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 the 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 and may not impose harsher penalties on a student merely because the student does not cooperate with their investigation and does not admit guilt.

In addition, the Board authorized the superintendent, building principals, 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 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 very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the



extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

### **A. Student Lockers, Desks and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school personnel, without prior notice to students and without their consent.

### **B. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### **C. Child Protective Services 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.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations,

the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **11. 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 a public hearing prior to Board approval.
- 2) Providing copies of a summary of the code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- 3) Making copies of the code available to all parents at the beginning of the school year.
- 4) Providing 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.
- 5) 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.
- 6) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 7) Making copies of the code available for review by students, parents and other community members and provide opportunities to review and discuss this code with the appropriate personnel.

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.

### **B. Review of the Code of Conduct**

The Board of Education, via a committee of representative stakeholders, 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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

## **12. Interpretation**

### **A. Calculating Time Limits**

When any period of time for an act to be done under this code ends on a Saturday, Sunday or a public holiday, such act may be done on the next succeeding business day and, if the period ends at a specified hour, such act may be done at or before the same hour of such next succeeding business day.

### **B. Authority to Suspend**

Nothing in this code abridges the customary right or responsibility of a principal to suspend a student when, in the judgment of the principal, the student's conduct warrants the same.

### **C. Inconsistent Provisions**

To the extent that any provision of this code conflicts with any District rule, regulation or policy, the provisions of this code shall be controlling.

### **D. Not Exclusive**

These rules and regulations and the penalties imposed hereunder shall not be deemed exclusive, nor as a limitation, waiver, or extinguishment of the District's right to utilize other available legal remedies against persons who violate this code. The District may take additional or other legal action, as it deems appropriate or necessary to maintain public order.