

5300-E

# **CODE OF CONDUCT**

**Implementing  
Project SAVE**



**HORSEHEADS CENTRAL SCHOOL DISTRICT**  
Horseheads, New York

## **I. Introduction**

The board of education (“board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of trustworthiness, respect, responsibility, fairness, caring and citizenship. The Horseheads Central School District subscribes to the CHARACTER COUNTS! Coalition, and the District, along with the Coalition, defines these principles as follows:

### **Respect**

Treat others with respect; follow the Golden Rule • Be tolerant of differences • Use good manners, not bad language • Be considerate of the feelings of others • Don’t threaten, hit or hurt anyone • Deal peacefully with anger, insults and disagreements

### **Responsibility**

Do what you are supposed to do • Persevere: keep on trying! • Always do your best • Use self-control • Be self-disciplined • Think before you act — consider the consequences • Be accountable for your choices

### **Citizenship**

Do your share to make your school and community better • Cooperate • Get involved in community affairs • Stay informed; vote • Be a good neighbor • Obey laws and rules • Respect authority • Protect the environment

### **Caring**

Be kind • Be compassionate and show you care • Express gratitude • Forgive others • Help people in need

### **Fairness**

Play by the rules • Take turns and share • Be open-minded; listen to others • Don’t take advantage of others • Don’t blame others carelessly

### **Trustworthiness**

Be honest • Don’t deceive, cheat or steal • Be reliable — do what you say you’ll do • Have the courage to do the right thing • Build a good reputation • Be loyal — stand by your family, friends and country

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors, when on school property or attending any school function (whether on or off campus), including, but not limited to athletic events, extra-curricular activities, academic programs and programs that highlight the arts. Additionally, students who participate in athletics or extra- or co-curricular activities are expected to adhere to all aspects of this policy at all times and may be disciplined (including a suspension from their athletic team or extra- or co-curricular activity) for conduct which violates this Code, even if the conduct occurs at a non-school event. Students engaged in athletics are also expected to adhere to the Athletic Code of Conduct, which is attached hereto as an appendix.

## **II. Definitions**

For purposes of this code, the following definitions apply.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on any property leased by the district, or in or on a school bus, or in any school transportation vehicle as defined in Vehicle and Traffic Law §142.

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

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

1. Commits or threatens to commit an act of violence upon a school employee, or attempts to do so.
2. Commits or threatens to commit 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 firearm or weapon.
4. Displays, while on school property or at a school function, what appears to be a firearm or weapon.
5. Threatens, while on school property or at a school function, to use a firearm or 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.

“Firearm” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act including, but not limited to, a pistol, revolver, 9 mm, shotgun, rifle, machine gun. This definition also includes any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other propellant; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; as well as any explosive, incendiary, or poison gas including a bomb, grenade, or other dangerous or destructive instrument capable of causing physical injury or death. It does not include Class-C common fireworks. Such term does not include an antique firearm.

“Weapon” means any other gun (i.e., BB gun, disguised gun, air gun, spring gun), dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, or other device, instrument, material, or substance that can cause physical injury or death when used to cause physical injury or death.

“Destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any device similar to any of those devices already described in this paragraph, except that “destructive device” shall not mean any device not designed or redesigned for use as a weapon.

“Discrimination” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression), or disability.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“Gender identity” means one’s self-conception as being male or female, as distinguished from biological sex or sex assigned at birth.

“Gender expression” means the manner in which a person represents or expresses gender to others.

“Harassment” and/or “bullying” means an intentional act against any student, on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact by verbal threats, intimidation or abuse, including cyberbullying of such a severe nature that it:

- 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
- reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- 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 upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Cyberbullying” shall mean “harassment” or “bullying” as defined above where such harassment or bullying occurs through any form of electronic communication.

“Emotional Harm” that takes place in the context of harassment or bullying shall be defined as harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. Such conduct shall include, but is not limited to, 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.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

“Dignity Act Coordinator” is the district employee assigned in each building to receive, investigate and resolve acts of bullying or harassment.

The coordinators are:

Big Flats – Elizabeth Scaptura

Center Street – Patricia Sotero

Gardner Road – Patrick Patterson

Ridge Road – Anne Marie Bailey

Intermediate School – Michael Bostwick

Middle School – Ronald Holloway

High School – Michael McCawley

District-wide – Megan Collins

### **III. Student Rights and Responsibilities**

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

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

1. Take part in all district activities on an equal basis regardless of race, color, weight, creed, national origin, religion, gender (including gender identity and gender expression) or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React in a respectful, positive manner, to direction given by teachers, administrators and other school personnel.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Use District property, including district technology, according to established guidelines and rules.

#### **IV. Essential Partners**

##### **A. Parents (Including persons in parental relation) (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All parents are expected to:

1. Recognize and support the education of their child(ren) as a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

##### **B. Support Staff (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All district support staff are expected to:

1. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to know and carry out job responsibilities.
3. Demonstrate interest in and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students, parents and staff concerning student expectations and achievement.
6. Report incidents of discrimination, bullying, and/or harassment when the staff member individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

**C. Teachers (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.
2. Know and be prepared to carry out job responsibilities.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements;
  - b. Marking/grading procedures;
  - c. Assignment deadlines;
  - d. Expectations for students; and
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Report incidents of discrimination, bullying, and/or harassment when the staff member individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

**D. School Counselors (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All district school counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Know and be prepared to carry out job responsibilities.
7. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.
8. Report incidents of discrimination, bullying, and/or harassment when the staff member individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.



**E. Building Administrators (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All building administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, staff and parents have the opportunity to communicate regularly with the principal and approach the principal for the resolution of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Know and be prepared to carry out job responsibilities.
7. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.
8. Respond promptly to reports of discrimination, bullying, and/or harassment pursuant to District policy.

**F. District Administrators (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

All district administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with building and district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Know and be prepared to carry out job responsibilities.
7. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.
8. Respond promptly to reports of discrimination, bullying, and/or harassment pursuant to District policy.

## **G. Board of Education (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Maintain a climate of mutual respect and dignity, which in turn will strengthen students' self-concept and promote confidence to learn.

## **V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as but not limited to tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) or midriff baring and see-through garments are offensive to others and disruptive are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or other form of head covering during regular school hours except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to disciplinary action. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. Prohibited Student Conduct**

A student shall be subject to disciplinary action in relation to the following:

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

1. Disrespect staff.
2. Failure to comply with the directions of a teacher, administrator or other school employee.
3. Violation of the district's dress code.
4. Lateness for, missing or leaving school or class without permission from or an excuse given by a faculty member, staff member, or other authorized person.
5. Any willful act which disrupts the normal operation of the school community.
6. Disrupting the educational process.
7. Interfering with the teacher's authority over the classroom.
8. Issuing disruptive or harassing electronic communications, ("cyberbullying") even if the communication did not originate from the District or through District servers.
9. Engaging in any act of discrimination, sexual harassment, bullying, and/or harassment as defined in this Code.
10. Retaliating against any individual who, in good faith, reports or assists in the investigation of, among other things, sexual harassment, harassment, bullying and/or discrimination.

### **B. Engage in conduct that endangers the safety, morals and health and welfare of others.**

1. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
2. Written, verbal, or physical intimidation.
3. Fighting or causing physical harm to another.
4. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language, words or messages (electronic or otherwise) which may incite or offend another person.
5. Vandalizes school property or the property of a student or staff member.
6. Violates the civil rights of another student.
7. Engaging in acts of harassment as defined above and/or in the district's Sexual Harassment Policy and regulation, its Discrimination/Racial Harassment of Students policy and regulation, or its Dignity for all Students Act policy and regulation.
8. Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or being in possession of an alcoholic beverage on school property or at a school function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer, any type of "powdered alcohol" and cider having alcoholic content. When a student creates a look-alike situation by presenting a substance as an alcoholic beverage, the District's reaction will be the same as if an actual alcoholic beverage was present.
9. Being under the influence of, or the use, possession, sale, distribution, or gift of any illegal or controlled substance or any instruments for the use of such illegal or controlled substances such as, but not limited to, a pipe, syringe, or other paraphernalia, while on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, e-liquids,

including propylene glycol (liquid nicotine), cannabinoids (marijuana), synthetic cannabinoids (e.g., K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike or “counterfeit” drugs, and any substances commonly referred to as “designer drugs”. When a student creates a look-alike situation by presenting a substance as an illegal or controlled substance, the District’s reaction will be the same as if the actual substance was present. Excepted is any drug taken in accordance with a current prescription signed by a physician which is to be taken by the particular student at the time in question. All medication must be administered through the school health office.

10. Possession or use of or threatening to use, or displaying what appears to be, a weapon on school property or at a school function.
11. Falsely reporting an emergency or tampering with safety or security equipment.
12. Selling, using or possessing obscene material.
13. Use or possession of tobacco products on school property or at a school function. Tobacco products shall include, but not be limited to, vapor pens (and any material(s) used in vapor pens or similar devices), electronic cigarettes or any nicotine dispensing product, chewing tobacco, snuff, cigarettes, cigars or loose tobacco.
14. Acting as a violent pupil.
15. Engaging in any act of discrimination or harassment as defined in this Code.
16. Retaliating against any individual who, in good faith, reports or assists in the investigation of, among other things, harassment, bullying and/or discrimination.
17. Indecent exposure, including exposure to the private parts of the body in a lewd or indecent manner.

## **VII. Reporting Violations**

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

Any student, parent or other family member, or visitor may report an incident of discrimination, bullying and/or harassment. Reports may be made to any staff member, including Dignity Act Coordinators, administrators, teachers, and school counselors. In the event that a report is made to a staff member other than a Dignity Act Coordinator, such staff member shall immediately inform a Dignity Act Coordinator of the report. All District employees who have contact with students are required to report incidents of discrimination, bullying and/or harassment when the individual witnesses or receives reliable information regarding any such incident. Allegations of discrimination, bullying and/or harassment will be treated as confidential and private to the extent possible.

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school, including but not limited to incidents of harassment, bullying and/or discrimination which may constitute a crime, as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed or hand-delivered on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **VIII. Disciplinary Penalties, Procedure 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 which led to the offense.
3. The student's proper 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.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **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. Verbal warning – any member of the district staff.
2. Written warning – student behavior monitor, hall and lunch monitors, coaches, guidance counselors, teachers, principal (or his/her designee), superintendent.

3. Written notification to parent –student behavior monitor, hall and lunch monitors, coaches, guidance counselors, teachers, principal (or his/her designee), superintendent.
4. Detention – teachers, principal (or his/her designee), superintendent.
5. Suspension from transportation – supervisor of transportation (or his/her designee), principal, superintendent.
6. Suspension from athletic participation – Athletic Director, coaches, principal (or his/her designee), superintendent.
7. Suspension from social or extracurricular activities – activity director, principal (or his/her designee), superintendent.
8. Suspension of other privileges, including District technology or web servers – principal (or his/her designee), superintendent.
9. In-school suspension – principal (or his/her designee), superintendent.
10. Removal from classroom by teacher – teachers, principal (or his/her designee).
11. Short-term (five days or less) suspension from school – principal, superintendent, board of education.
12. Long-term (more than five days) suspension from school –, superintendent, board of education.
13. Permanent suspension from school – superintendent, board of education.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents or detention occurring during the school day at a non-instructional time are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### **1. Detention**

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

## **2. Suspension from transportation**

The school bus is an extension of the school. Therefore, students are expected to follow the school's Student Code of Conduct while on the bus.

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the transportation supervisor's attention or to the attention of his or her designee, who will then notify the building principal if appropriate. Students who become a serious disciplinary problem may have their riding privileges suspended by the transportation supervisor 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 if the student is of compulsory attendance age.

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, transportation supervisor, or designee, to discuss the conduct and the penalty involved.

Based upon the student's behavior on the bus, additional consequences (warnings, detentions, suspensions from school) may be imposed by building administrators.

## **3. Suspension from athletic participation, extracurricular activities and other privileges.**

Students engaged in athletics are expected to adhere to all provisions of this Code of Conduct, as well as the Athletic Code of Conduct (attached as an appendix hereto), and may be disciplined in accordance with either, even if the conduct occurs at a non-school event. Students engaged in extracurricular activities or other privileges are expected to adhere to all provisions of this Code of Conduct, as well as any specific expectations, rules or bi-laws established by their club or activity, and may be disciplined (including a suspension from their extra- or co-curricular activity) for conduct which violates this Code of Conduct, even if the conduct occurs at a non-school event.

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

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

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals 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 be under the direction of the principal or his/her designee.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a

reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

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

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

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

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

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



The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 2 school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the two school days for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

## **6. Suspension from school**

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

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

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

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

**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 written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions following the procedures established by the principal, including the ability to present the student’s version of the incident and question the complaining witness against the student in the presence of the principal.

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 or 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 superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

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

**a. 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.

**C. Minimum Periods of Suspension**

**1. Students who bring to or possess a firearm or weapon at school**

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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 to or possessing a firearm or weapon at school**

Any student, other than a student with a disability, who if found to have committed a violent act, other than bringing to or possessing a firearm or weapon on school property, shall be subject to suspension from school for at least five days.

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 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 he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

## **3. Juvenile Delinquents and Juvenile Offenders**

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

- a. Any student under the age of 16 who is found to have brought a dangerous 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.

## **IX. Alternative Instruction**

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

## **X. Discipline of Students with Disabilities**

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

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

1. For purposes of this section of the code of conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Educational Law §3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (“IAES”) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An IAES means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from reoccurring.

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

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

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

c. 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 same of a controlled substance while at school or a school function or if the student acts in such a way as to cause serious bodily injury.

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

inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...for) a pocket knife with a blade of less than 2½ inches in length.”

- 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- 3) “Illegal drugs” 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.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension 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 suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.

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

1. The district’s Committee on Special Education shall:
  - a. conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement,

including a change in placement to an IAES for misconduct involving serious bodily injury, weapons, illegal drugs or controlled substances.

- b. If a 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.
  - c. 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.
  - d. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited



evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

- 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in a an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

**E. Referral to Law Enforcement and Judicial Authorities**

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

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

## **XI. Corporal Punishment**

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

## **XII. Student Searches and Interrogations**

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

In addition, the board authorizes the superintendent, building principals, and district security officials to conduct searches of students and their belongings (including consumables, a student's cell phone or a student's car that is on school property) 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 (including consumables) 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 (including consumables, a student's cell phone or a student's car that is on school property) 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 violated the law or the district code,

or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever possible, 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 and Consumables**

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, or email or computer accounts, including storage devices (i.e. CDs, disks, flash drives, etc.). 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 officials, without prior notice to students and without their consent.

Additionally, students should be aware that any consumable items (food or beverages) are subject to search and inspection by the Administration.

**B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **C. 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 may enter school property or a school function to question or search a student or to conduct a formal investigation involving students if they have:

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

The principal or designee will 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.

### **D. 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.

### **XIII. Visitors to the Schools**

Since schools are a place of work and learning, certain limits must be set for visits by parents and other persons or agencies. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. The person or group wishing to visit a school must contact the principal of the school. The principal must give prior approval before the visit.
3. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
8. Any consumables (food, beverages, etc.) brought in by visitors are subject to search and/or inspection.

### **XIV. Public Conduct on School Property**

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

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

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

**A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any other person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers (on active duty) or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Commit any willful act which disrupts the normal operation of the school community.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

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

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

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

**XV. Dissemination and Review**

**A. Dissemination of Code of Conduct**

The board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.



The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The board of education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

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

Approved: June 13, 2001

Revised & Approved: June 25, 2001

Reviewed by the BOE Policy: July 15, 2008, May 20, 2010, May 31, 2012, July 12, 2012, June 26, 2014, July 5, 2017, July 13, 2108

## **APPENDIX**

### **HORSEHEADS INTERSCHOLASTIC SPORTS**

#### **ELIGIBILITY RULES AND CONSEQUENCES & ATHLETIC CODE OF CONDUCT**

##### **I. Introduction**

###### **Purpose**

The Horseheads Athletic Programs strive to provide an environment which allows individuals to excel as students, as athletes and as members of the community. A firm and fair policy of enforcement is necessary to uphold the regulations and standards of the Athletic Department. The community, school administrators, and coaching staff feel strongly that high standards of conduct and citizenship are essential in maintaining a sound program of athletics.

All students participating in athletic programs shall abide by a code of conduct which earns them the honor and respect participation and competition provides.

###### **Eligibility Implementation**

The Athletic Code of Conduct applies to students starting in Seventh Grade. The policy will remain in effect from the first official day of practice, as designated by Section IV through the final athletic contest of the season.

When a student is suspended from an athletic competition, the student will be expected to attend practice unless the suspension encompasses the remainder of the sport's season. If the student misses practices/meetings without a valid reason, the suspension from competition will be extended for additional games/events.

###### **Procedure**

It is the responsibility of the entire community, including coaches, advisors, students, and most importantly parents, to ensure that the Code of Conduct is observed. Any violations should be reported immediately to the coaches or athletic director. Due Process will be followed in handling all report(s) of any violation to Athletic Code of Conduct. Each allegation will be investigated and the student(s) in question will have the opportunity to present his/her position(s) on the allegation to the person(s) conducting the investigation. Upon completion of the investigation the administration will render an appropriate decision.

## II. Academics (High School Only)

| Conduct  | Support to Meet Expectation   | Consequence  |
|--|---|--|
| Lack of effort and/or difficulty meeting expectations. | Athlete is placed in <i>Athletic Study Hall</i> for a three-week probationary period until course teacher evaluation shows that improvement and/or progress toward improvement is made, or sufficient effort to improve is made. Use of other academic resources is encouraged during this time period. | If, after three-week probation, course teacher evaluation shows that the athlete has not met expectations, the athlete will be declared <i>Academically Ineligible</i> . If an athlete is absent from athletic study hall, they are not to participate in the next scheduled athletic event (practice/game). |
| Athlete is <i>Academically Ineligible</i>              | Athlete continues in <i>Athletic Study Hall</i> . Weekly course teacher evaluations are made until the athlete shows that improvement and/or progress toward improvement is made, or sufficient effort to improve is made.  | Athlete continues to be <i>Academically Ineligible</i> to play until improvement is shown or until athlete's season ends   |

- Athletic Study Hall – A three-week supervised study session at the high school. All sessions are held at 7:00 A.M. There is no alternative. There is one three-week session during the fall sport season and two three-week sessions during the winter and spring sport seasons.
- Academic Ineligible – Athlete and parent(s)/guardian(s) are notified within 24 hours of declaration of academic ineligibility. The athlete can practice with the team, but is not allowed to play or dress for any game or travel to away contest with the team.

## III. General Rules of Conduct

### Horseheads Central School District Expectations and Requirements

- Attendance - Unexcused absences, as defined by the Horseheads Central School District's Code of Conduct, will result in being ineligible for practices and contests that day. A legal excuse and in school 50% of the day is required to participate in practices or contests.
- Physical Education - Student athletes are expected to be prepared and participate in physical education class. Students failing to participate in physical education will be ineligible to participate in practices or contests.

### **General Rules of Conduct (Continued)**

- Team Specific Rules - Coaches may establish additional rules that govern practice and competition. Student athletes will abide by the specific conduct and rules established by the coach.
- Vacations - STAC and Section IV contests are often scheduled throughout school recesses. Practices and contests take precedence over vacations. Athletes who miss practices and/or contests during school recesses understand that this could effect:
  - Chances for making the team.
  - Team Standing.
  - Playing time.
  - Earning of Varsity letter.
  - May have consequences carry over to the next sport season.

### **IV. Expectations for Behavior and Citizenship**

Acts of unacceptable conduct, such as, but not limited to: bullying, hazing, disrespect, immorality, insubordination, vandalism, destruction or theft of property.

Students are expected to remove him/herself immediately from locations where violations of the athletic code of conduct occur.

Unacceptable conduct will be addressed by the coach. Examples of possible consequences include, but are not limited to:

- Half-game suspension
- A single-game suspension
- A multi-game suspension

Depending on the severity of the violation, the athletic director may intervene. Examples of the possible consequences include, but are not limited to:

- A one-year suspension from participating in athletic department activities
- Permanent removal from interscholastic athletics
- Any other consequence deemed appropriate

Please note that the above referenced consequences are recommendations. The Athletic Director and Appeals Board have the authority to depart from these recommendations based on the nature and/or severity of the offense.

### **V. Substance Use and Possession/Criminal Activity Policy**

- Alcohol - consumption, possession, buying, selling, giving away of any alcoholic beverages
- Tobacco - consumption, possession, buying, selling, giving away of any tobacco products which includes electronic cigarettes or vapor products
- Controlled/Illegal Substances - consumption, possession, buying, selling, giving away any controlled or illegal substance
- Weapons – illegal use, distribution, possession, sale of any object used to inflict bodily harm
- Charge/convicted of a misdemeanor or felony.

Violations of the Substance Use and Possession/Criminal Activity Policy as outlined above will be, as a general rule, progressive. Subsequent violations that occur during the same school year will result in increased penalties for the student. In determining the appropriate disciplinary action, the athletic director and building administrator will consider the non-exhaustive list of factors stated below.

The expectation is for the athlete to openly admit a violation of the Substance Use and Possession/Criminal Activity Policy if questioned by a school official. The following procedure will typically be used:

*First Offense:*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- Suspension from participation in 20% of the regularly scheduled contests of the team on which he/she is playing.
- Participation in a Drug and Alcohol Program may be deemed appropriate, given the nature of the misconduct.

*Second Offense:*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- Suspension from participation in 50% of the regularly scheduled contests of the team the student is participating in.
- Participation in a Drug and Alcohol Program may be deemed appropriate, given the nature of the misconduct.

*Third Offense:*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- Dismissal from the team for a period up to one calendar year or permanent suspension from all athletic programs for the duration of the student's school career.

If the student denies the problem or incident, but is determined by the administration to have participated in the problem or incident despite the student's denial the following procedure will be used:

*First Offense*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- The student will be suspended from the team/activity for 30 calendar days. Should the season end before the completion of the 30 day suspension, the remainder of the suspension shall begin on the date of the student(s) first contest/event in the next athletic/extracurricular season for which he/she participates. This will not affect the tryout period for the next season. After the tryout period the student is not permitted to continue to practice or attend meetings until the suspension is completed. The above mentioned suspension will also be put into place if the student refuses to participate in any suggested counseling.

### *Second Offense*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- The student will be suspended from the team/activity for 60 calendar days. Should the season end before the completion of the 60 day suspension, the remainder of the suspension shall begin on the date of the student(s) first contest/event in the next athletic season for which he/she participates. This will not affect the tryout period for the next season. After the tryout period the student is not permitted to continue to practice or attend meetings until the suspension is completed. The above mentioned suspension will also be put into place if the student refuses to participate in any suggested counseling.

### *Third Offense*

- Parents/guardians will be notified of infractions resulting in the suspension of their son/daughter from competition/participation.
- The student will be suspended from participation in athletics activities for the rest of their high school career.

## **VI. Appeals**

All final decisions regarding the appropriate sanction to be imposed for a violation of the rules are appealable to the Athletic Appeals Board.

Decisions regarding athletic code of conduct may be appealed to the athletic director. Parents/guardians who request an appeal must submit it in writing to the athletic director. The appeal must be filed within three school days of notification of the breach of the code of conduct. The written appeal must state the nature of their concern(s) with the athletic penalty and reason to appeal the decision.

Once a written request for an appeal is received, the athletic director will convene an athletic appeals board. The athletic appeals board will convene within three school days of receipt of the written appeal request. The building principal will be the facilitator and the committee will consist of an assistant principal, school counselor, and two coaches (out of season).

### **Athletic Appeals Board**

The hearing process will start with the reading of the appeal by the facilitator. The athletic director will present the violation of the code of conduct and the initial consequence. The parent and student will then be given the opportunity to summarize their reason for appeal. Additionally, the parent/guardian, as well as the student, will answer any and all questions of the hearing committee to the best of their ability. Upon hearing the relative information, the hearing committee members, along with the non-voting facilitator, will convene privately and make a determination. The initial eligibility status, as determined by the athletic director, will remain in effect during the appeal process until a final decision is made via the Athletic Appeals Board eligibility review hearing. A final decision of the committee will be communicated to the parent/guardian via a letter written by the facilitator within 24 to 48 hours.

### **Procedural Review**

The athletic director and the administration will review these Athletic Eligibility Regulations and Procedures annually. Changes may be recommended and made based upon annual review.