

# HILTON CENTRAL SCHOOL DISTRICT



## CODE OF CONDUCT

2016-17

**Hilton Board of Education**

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## CODE OF CONDUCT

The Safe School Against Violence in Education [SAVE] and Section 100.2[1] of the Regulations of the Commissioner of Education require that each school district adopt a written policy on school conduct and discipline "designed to promote responsible student behavior". Each year a public hearing is held annually at which the Hilton Board of Education re-authorizes a K-12 Code of Conduct.

The Board of Education [BOE] recognizes the need to define clearly these expectations for acceptable conduct on school property, outline possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the BOE adopts this Code of Conduct [Code]. Unless otherwise indicated, this Code shall apply to all students, school personnel, parents and other visitors when on school property or attending any school function. A copy of the complete Code of Conduct document is available on the Hilton District Web Site [www.hilton.k12.ny.us](http://www.hilton.k12.ny.us) and at every school's main office.

### I. STATEMENT PHILOSOPHY

The Hilton Central School District Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, staff, 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 that strive to create an environment free of discrimination and harassment. These expectations are based upon mutual respect, citizenship, character, civility, tolerance, honesty, and integrity.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

The Board of Education [BOE] recognizes the need to clearly define these expectations for acceptable conduct on school property, outline possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end the BOE adopts this Code of Conduct [Code].

No set of rules or policies can include every possible infraction, hence the need for good judgment on the part of all members of the school community: students, administrators, teachers, and parents. Nor will consequences fit every situation. The administrators reserve the right to use their good judgment to modify these guidelines as well as consequences when appropriate.

Unless otherwise indicated, this Code shall apply to all students, school personnel, parents and other visitors when on school property or attending any school function.

## II. DEFINITIONS

For the purposes of this Code, the following definitions shall apply:

**Bullying** – intentional, repeated acts of verbal, physical or written aggression by a peer (or group of peers) operating from a position of strength or power with the goal of hurting the victim physically or damaging status and/or social reputation. (See also “Harassment/bullying”).

**Consequence** - the results of a previous action that breaks the rules. Those responsible for administering a consequence take into account the behavior, the situation, the individual involved and the best means for helping that individual.

**Cyber Bullying:** Harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender (which includes a person’s actual or perceived sex, as well as gender identity and expression)

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

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

**Disruptive student behavior** - behavior from a student under the age of twenty-one (21) who is substantially disruptive to the educational process, impeding the delivery of a quality education or substantially interferes with the teacher’s authority over the classroom. (NYS Education Law s/s3214 (2-a) (b)).

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

**Employee:** Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

**Gender:** “A person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

**Fair**—doing what is reasonable and in the best interest of the individual and/or group

**Firearm**—is defined in 18 USC 921 for the purposes of the Gun –Free schools act.

**Harassment/bullying:** the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law §11(8), that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or 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. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

Hazing: Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment.

**Intervention**—the modification of an event by school personnel to promote a safe physical and psychological environment for all members of the school community.

**Parent**--the biological, adoptive, or foster parent, guardian or person in parental relation to a student.

**Principles**—core values that demonstrate how individuals should conduct themselves and related to each other.

**Rules**—based on the principles (core values), they identify acceptable and unacceptable behavior that is observable, clear, specific and enforceable.

**School Function**--any school sponsored extra-curricular event or activity, whether held on school property or elsewhere. (NYS Education Law 2801(1).

**Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

**Disruptive Student:** A student under the age of twenty-one (21) who is substantially disruptive to the educational process, impeding the delivery of a quality education or substantially interferes with the teacher’s authority over the classroom. (NYS Education Law s/s3214(2-a) (b).

**School Bus:** Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

**School Function:** A school-sponsored extra-curricular event or activity (Education §11[2]).

**School Property:** in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).

**Inappropriate Student** behavior occurring on or around school property, before, during or after the school day that endangers self, others or property

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of bullying or harassment.
3. Commits, while on school property or at a school function, an act of violence upon another student or any person lawfully on school property or at the school function, or attempts to do so.
4. Possesses, while on school property or at a school event, a weapon (below).
5. Displays, while on school property or at a school event, what appears to be a weapon.
6. Threatens, while on school property or at a school event, to use a weapon, inflict bodily harm, or communicates acts of violence with phrases that contain words such as kill, shoot, stab, murder, etc.
7. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school event.
8. Knowingly and intentionally damages or destroys District property. (NYS Education Law s/s3214(2-a) (a).

**Weapon** --refers to the definition of a firearm in 18USC s/s921 for purposes of the Gun Free School Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument or substance that can cause physical injury or death when used as a weapon.

### III. RIGHTS AND RESPONSIBILITIES

#### A. Student Rights

Every student has the right to attend a safe, healthy, orderly and civil school environment free of discrimination and harassment, safeguarding the rights given all students under state and federal law. These rights include (but are not limited to):

- Participation in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or any other categories of individuals protected against discrimination by federal, state or local law.
- Presentation of individual accounts and details of events to school personnel in connection with the imposition of a consequence.
- A school community that is drug and alcohol free.

## **B. Student Responsibilities**

All students have the responsibility to maintain a safe and orderly school environment free of discrimination and harassment conducive to learning and respectful to all people and their property. School is a place where students learn that they are responsible for their actions. These responsibilities include (but are not limited to):

- Knowing and following rules set up by the district for the school and for the classroom.
- Attending school on a daily basis consistent with the school year calendar, unless legally excused.
- Being in class, on time with books and supplies and leaving class or the school building only with staff knowledge and permission.
- Following instructional and /or safety directions given by teachers, administrators and other school personnel.
- Completing assignments as given.
- Remaining drug and alcohol free for the duration of their time as members of the Hilton School Community.
- Respect acceptable use guidelines for electronic devices.

## **IV ESSENTIAL PARTNERS**

All essential partners of the school community are entitled to expect proper regard for their rights and welfare.

### **A. Parent Responsibilities**

Every parent has the responsibilities to assist their child in realizing their goal of academic and behavioral success within the school environment. These responsibilities include (but are not limited to)

- Encourage participation in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or any other categories of individuals protected against discrimination by federal, state or local law.
- Presentation to school personnel on behalf of their child, individual accounts and details of events in connection with the imposition of a consequence.
- Asking questions when they do not understand (applies to content or directives).
- Excusing (in writing) their child as they deem necessary from attending classes due to illness, family emergency or obligations.
- A school community that is drug and alcohol free.

All parents are expected to recognize that the education of their child is a joint responsibility of the parents and the school community. School is a place where parental involvement and support is essential for affecting change and achieving success for students. These responsibilities include (but are not limited to)

- Sending their children to school ready to participate and learn.
- Ensuring that their children attend school regularly and on time.
- Ensure that all absences are excused.
- Insisting that their children be dressed and groomed in a manner consistent with the student dress code.
- Helping their children understand that in a democratic society, appropriate rules are required to maintain a safe and orderly environment.
- Knowing school rules and helping their children understand them.
- Conveying to their children a supportive attitude toward education and the District.
- Building good relationships with school personnel, other parents as well as their children's friends.

- Helping their children deal effectively with peer pressure.
- Informing school officials of changes in the home situation that may affect a student's conduct or performance.
- Providing a place for study and ensure that homework assignments are completed.

## **B. Teachers and Support Staff Responsibilities**

All district teachers and support staff are expected to:

Maintain a climate of mutual respect and dignity, which will strengthen student's self-concept and promote confidence to learn.

Both teachers and support staff have a right to an orderly, respectful environment that is conducive to instruction in all areas of learning. These rights include (but are not limited to)

- Intervening with any action that endangers the health, welfare and safety of self or others.
- Reporting to supervisors any behaviors or actions that threaten a respectfully safe educational learning environment within this school community.
- Expecting the opportunity to teach to be without ongoing distracting or disrupting behaviors.
- Assigning homework to support the instructional lessons.
- Setting course objectives, grade expectations, requirements and assignments.
- Determining classroom behavior intervention plans.
- Ongoing training to enhance academic and management skills within the school community.
- Arriving on time for building meetings and classroom instruction.
- Knowing, demonstrating through modeling and implementing school policies and rules.
- Communicating regularly and in an on-going manner with students, parents, administrators, and other teachers about student growth, achievement, behavior and/or concerns.
- Communicating with students and parents:
- Course objectives, grade level expectations, requirements and assignments.
- Marking/grading procedures.
- Classroom management/intervention plan.
- Expectations for students.
- Being prepared to teach and expand (their) professional knowledge in the areas of instruction and
- Classroom management through specialized reading and participation in available trainings/in-services.
- Demonstrating interest in teaching, knowledge of current instructional methods, concern for student achievement.
- Referring to appropriate personnel/leadership any academic or behavioral concerns or questions regarding any member of or happening within the school community.
- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.

## **C. Principals' Responsibilities**

All educational leaders have a responsibility to create an orderly, safe, environment where all members of the school community can depend on them to promote success, accommodate differences, and motivate teaching and learning. School is a place where leadership thrives through the development of mutual respect, conscientiousness and accountability.

Responsibilities include (but are not limited to):

- Providing regular opportunities for staff and students to communicate with the principal.
- Listening to all untoward complaints.
- Giving feedback to staff that contains knowledge of results for improvement and/or



- continuation of effective, instructional approaches both academically and behaviorally.
- Responding swiftly, fairly and efficiently to acts of any kind that threaten the safety and well-being of students, staff, administration or any immediate member of the school community or their property.
- Delegating assignments to staff to encourage growth and leadership development within a building.
- Accommodating differences among staff and students (fair versus same) allowing for variations in style, approach, output and final performance.
- Identify a Dignity Act Coordinator who shall be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex.

#### **D. Superintendent's Responsibilities**

All educational leaders have a responsibility to create an orderly, safe, environment where all members of the school community can depend on them to promote success, accommodate differences, and motivate solid leadership, instruction and learning. School is a place where leadership thrives through the development of mutual respect, conscientiousness and accountability. Responsibilities include (but are not limited to):

- Informing the Board of Education about educational trends relating to student behavioral intervention.
- Working with district administrators in putting into effect the Code of Conduct and ensuring that all cases are resolved as quickly as possible in a fair and equitable manner.
- Referring students who meet the following criteria to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - Any student under the age of 16 who is found to have brought a weapon to school, or
  - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
- Referring 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.
- Ensuring all staff are trained in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

#### **E. Board of Education Responsibilities**

- School is a place where leadership thrives through the development of mutual respect, conscientiousness and accountability. Responsibilities include (but are not limited to):
- Collaborating with students, teachers, administrators, 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.

- Leading by example by conducting board meetings in a professional, respectful and courteous manner.

**F. Board of Education, School District Officers and Employees Code of Ethics**

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

**V. STUDENT DRESS CODE** (NYS Education Law s/s2801 (2) (a))

All parents are expected to recognize that the education of their child is a joint responsibility of the parents and the school community.

All students are expected to give proper attention to personal cleanliness and to dress for school and school functions in a manner that is in line with the Principles of the Hilton school community regarding respect for self and others. 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.

At the beginning of the school year, each building principal or his/her designee shall be responsible for informing all students and their parents of the Student Dress Code for their child's building. Parents and students will be updated as needed on any revisions to the dress code.

The purpose of the student dress code is to reinforce the district's mission of preparing all students to be lifelong learners and help prepare them for their post-graduation endeavors. Student attire should be a reflection of an atmosphere of mutual respect supported by the district and should not be a distraction to the learning environment. As such, all students are expected to follow the guidelines below:

1. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see through garments are not appropriate and therefore, are not permitted.
2. Ensure that underwear is completely covered by outerwear and is not visible to others.
3. Footwear is to be worn at all times, as this is an issue of safety. Footwear that is a safety hazard will not be allowed.
4. The wearing of hats is not allowed in the classroom except for a religious or medical purpose.
5. Not include items that are vulgar, obscene, libelous or denigrate others because of race, color, religion, ancestry, national origin, sex, sexual orientation, or disability.
6. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

Every Building Principal shall be responsible for informing all students and parents of the student dress code at the beginning of the school year, as well as any revisions that may be made to the dress code during the school year.

Any student who violates the dress code shall be required to modify his/her appearance to be compliant with the dress code. Students who refuse to do so will be subject to disciplinary action, up to and including in school suspension for the day. Repeated failure to comply with the dress code may result in in-school or out- of-school suspension.

### Safety

- Items that could be considered weapons such as heavy chains or —studs are prohibited.
- Footwear is expected at all times. Certain classes require a particular type of shoes- for example sneakers for PE and closed-toed shoes for labs, Art, Tech. etc. Bedroom shoes are not appropriate school attire.
- Hoods and any garment that covers the face or side of the face are not acceptable. Exceptions will be made for religious dress requirements and/or for medical conditions with proper documentation.
- Building Administration has final discretion.
- Students who violate the Student Dress Code of their building 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. Following the dress code is not optional.

## VI. PROHIBITED STUDENT CONDUCT

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

In this school community, we believe that the best discipline is self-imposed. Students learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function, understandable and in line with the district's philosophy. The rules of conduct listed below are intended to provide examples of behaviors that jeopardize the district's focus on safety and respect for the rights and property of others. Individuals or groups who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct. **Students may be subject to disciplinary action, up to and including suspension from school, when they:**

### A. Engage in behavior that is disorderly. Examples of such behavior include:

- 1) Running in the hallways.
- 2) Making unreasonable noise.
- 3) Using language or gestures that are profane, lewd, vulgar or abusive.
- 4) Obstructing pedestrian or vehicular traffic.
- 5) Engaging in any willful act, which disrupts the normal operation of the school community.
- 6) Trespassing - students are not permitted in any school building other than the one they attend, without prior administrative approval.

### B. Engage in conduct that is insubordinate. Examples of such behavior include:

- 1) Failure to comply with any reasonable and/or lawful direction given by school personnel, or otherwise demonstrating disrespect.
- 2) Lateness for, missing, or leaving school without permission.
- 3) Failing to attend detention.

### C. Engage in conduct that is disruptive. Examples of such behavior include:

- 1) Failure to comply with any reasonable and/or lawful direction given by school personnel.
- 2) Being late for school or class.
- 3) Being unprepared for class.

**D. Engage in bullying,** cyber bullying, discrimination, hazing or harassment based upon actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex on school property or at a school function.

**E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such behavior include:**

- 1) Being untruthful to school personnel.
- 2) The theft of property of other students, school personnel, or any other person lawfully on school property or attending a school function.
- 3) Acts of sexual harassment as defined in the District's sexual harassment policy.
- 4) Selling, using or possessing obscene material.
- 5) Possession of a cigarette, look-a-like cigarettes, cigar, pipe, chewing tobacco or smokeless tobacco.
- 6) Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances or being under the influence of either. —Illegal substances include but are not limited to: inhalants, marijuana (including synthetic marijuana, or other synthetic cannabinoid products), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, ecstasy, as well as substances commonly referred to as designer drugs.

**F. Engage in misconduct while on a school bus:**

Student misbehavior on school buses distracts the driver from his/her primary responsibility, that being the safe operation of the school bus. Students are expected to conduct themselves on a bus in a manner consistent with the established standards for classroom behavior.

Additionally, students waiting for the buses are expected to conduct themselves in accordance with the District Code of Conduct. Students who fail to comply with the Code of Conduct as it applies to bus usage will be given consequences.

**G. Engage in any form of academic misconduct. Examples of such behavior include:**

- 1) Plagiarism
- 2) Cheating

## **VII. VIOLATIONS OF THE CRIMINAL CODE**

(NYS Education Law s/s2801 (2) (h))

This school is a place where other students, district personnel and other members of the school community have a right to feel safe from verbal or physical attack. Any violation of criminal code including, but not limited to, the following may result in referral to the appropriate law enforcement agency:

- Threat to, or intimidation of, any staff members or students.
- Sexual misconduct.
- Gambling.
- Extortion.
- Forgery.
- Arson.
- Bomb Threat.
- False reporting to 911.
- Possession, sale or use of a weapon.
- Possession, sale, manufacture or use of drugs or alcohol.
- Possession, sale or use of fireworks or other substance that endangers the health and safety of students and/or staff.
- Assault on a staff member or student.
- Vandalism.

## **VIII. DISCIPLINARY INTERVENTION: PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and is done in a way that students view as fair and impartial. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. Accordingly, a student's first violation may have a lighter penalty than subsequent violations.

Measured, balanced, progressive, and age-appropriate responses will be provided as a response to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Some appropriate responses may include corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience; engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed, supportive intervention and/or mediation where constructive conflict resolution is modeled; behavioral assessment or evaluation, behavioral management plans or behavior contracts, with benchmarks that are closely monitored, and student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

### **Reporting**

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 (CSE) and the discipline, if warranted, shall be consistent with the separate requirements of this Code of Conduct for disciplining students with a disability. Any student identified, as having a disability shall not be disciplined for behavior related to his/her disability beyond that which is authorized by law.

#### **A. Penalties:**

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

1. Verbal warning – any District staff member.
2. Written warning – bus driver, monitors, teachers, administrators, superintendent.
3. Written notification to the parent – same as a written warning.
4. Detention – teacher, administrators, superintendent.
5. Suspension from transportation – administrators, superintendent.
6. Suspension from athletic participation – principal, superintendent.
7. Suspension from extracurricular activities – principal, superintendent.
8. Suspension of other privileges – principal, superintendent.

9. In School suspension – principal, superintendent.
10. Removal from classroom by teacher – teacher, principal, superintendent.
11. Suspension of 5 days or less – principal, superintendent, Board of Education.
12. Suspension of more than 5 days – 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 before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose said penalty must notify the students of the misconduct he/she is alleged to have committed as well as facts known surrounding the incident(s). Further, the person imposing a penalty shall see that an investigation as to the validity of the allegations is done. All students will have an opportunity to present their version of the facts as applies to the allegations the student is facing. Students who are to be given penalties other than a verbal warning, written warning, written notification to parents, or detention, are entitled to additional rights, as explained below, prior to the penalty being imposed.

1. **Detention:**

Teachers, principals, and the superintendent may impose after school detention as a consequence for student misconduct. This is most often used where suspension from the classroom and/or school would be too harsh as it relates to the misconduct. Detention will be imposed only after ensuring there are no parental objections as to the longer school day caused by detention, and that transportation is secured for the student.

2. **Suspension from Transportation:**

In the case of student misconduct as it is related to school transportation, the driver is expected to report such infractions to the Director of Transportation. The Superintendent has authorized the Director of Transportation to act as his/her designee regarding disciplinary issues on matters of school transportation. In cases where a determination is made that a student will have his/her riding privileges suspended, the student's parents will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make alternative education or transportation arrangements.

A student subjected to suspension from transportation is not entitled to a full Hearing pursuant to NYS Education Law s/s3214. However, the student as well as his/her parents will be provided with a reasonable opportunity for an informal conference with the Director of Transportation to discuss the conduct as well as the imposed penalty.

3. **Suspension from athletic participation, extra-curricular activities, and other privileges:**

A student subjected to suspension from athletic participation, extra-curricular activities, and other privileges is not entitled to a full Hearing pursuant to NYS Education Law s/s3214. However, the student as well as his/her parents will be provided with a reasonable opportunity for an informal conference with the District official imposing the penalty, so as to discuss the conduct as well as the penalty imposed.

4. **In-School Suspension:**

The Board of Education recognizes that 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 productive learning. As such, the Board of Education authorizes the Superintendent and Principals to place students who would otherwise be suspended from school as a result of a Code of Conduct violation, in —In-School Suspension. —In-School Suspension is the temporary removal of a student from the classroom and their placement in another area of the building designated for such supervision so as to receive a substantially equivalent, alternative

education. All teachers responsible for the affected student shall be notified in advance, where practical, so as to provide work for the student.

A student subjected to an in-school suspension is not entitled to a full Hearing pursuant to NYS Education Law s/s3214. However, the student as well as his/her parents will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct as well as the penalty imposed.

**5. Teacher Removal of Disruptive Students:**

A disruptive student is a student who is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom.

A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances, the teacher can control disruptive student behavior by using good classroom techniques. Occasionally, however, it may be necessary for the teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class for up to two (2) days (Appeal of Trombly, 26 EDR 214 (1986)) if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of the disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he/she is being removed. The student must also be given the opportunity to present his/her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose 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/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within one school day.

The teacher must complete a District behavioral referral form and meet with the Principal as soon as possible, but no later than the end of the school day, to explain the events leading to the removal. If the Principal is not available, the teacher should leave the referral form for his/her review, so as to discuss it the next day.

Within twenty-four (24) hours, the Principal, or his/her designee, must notify the student's parents of the removal. This must be accomplished in writing, including the reason(s), along with all facts known. Said notice must also notify the parents that they have the right, upon request, to meet with the Principal, or his designee, to discuss the reasons for the removal along with any behavior modifications to remedy the cause for removal. The written notice must be provided by personal delivery or any reasonable means, so as to ensure delivery by the day after the student's removal.

Where possible, notification should also be provided by telephone, provided that the school has been made aware of how to contact the parents telephonically.

If the student denies the charges made at an informal meeting, the Principal or his/her designee must explain why the student was removed. Additionally, the student and/or his/her parents are to be presented with a chance to present his/her version of the relevant facts that led to the removal. This informal meeting must be held within two (2) days of the student's removal. The timing of such a meeting may be extended upon agreement of all of the

aggrieved parties.

The Principal, or his/her designee, may overturn the removal of the student from the class if the school official finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
3. The conduct warrants suspension from school pursuant to NYS ED Law s/s3214 and a suspension will be imposed.

The Principal, or his/her designee, must make a determination as to whether to overturn the removal before the close of business on the day after any informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a determination, or the period of removal expires, whichever is less. At the teacher's discretion, he/she may rescind the removal prior to the expiration of the full period of removal.

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

Every teacher must keep a complete log (on a District approved/provided form) for all cases of removal from their respective classes. The Principal must keep a log of all removals of students from classes. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a known disability from his/her class until he/she has verified with the Principal or the CSE Chairperson that the removal will not violate the student's rights under state or federal law or regulation.

Nothing in this section of the Code of Conduct abridges the customary right or responsibility of a Principal to suspend a student. Further, nothing in this Code of Conduct abridges the right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time honored classroom techniques such as—time-out in an elementary classroom or in an administrator's office or sending the students briefly to the hallway (Appeal of Ackert, 30EDR31 (1990)) are not considered removals from class. The removal process should not become a substitute for good classroom management.

**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 of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Principals and Superintendent (NYS ED Law s/s3214 (3) (a) & 3214 (3) (c) (1).

Any staff member may recommend to a Principal or the Superintendent that a student be suspended. All recommendations and referrals shall be made in writing unless the conditions underlying the referral demand immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Principal or Superintendent, upon receiving a recommendation for suspension, or when processing a case for suspension, shall gather all of the relevant facts pertaining to the suspension and make a record of such, so as to be available for subsequent presentation, if necessary.





**a. Short-Term Suspension (five days or less) from School:**

When the suspending authority proposes to suspend a student charged with misconduct for five (5) days or less (pursuant to NYS Ed Law 3214(3)), the suspending authority must immediately notify the student verbally. 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. As previously stated, said notice is to be delivered by means to ensure delivery within twenty-four (24) hours of the decision to propose suspension to the last known address of the parents. Where possible, the school should also make telephonic contact with the parents, so long as the school has been provided with the telephone numbers for the parents.

The notice and opportunity for an informal conference shall take place before the suspension is imposed unless the student's presence poses a continuing danger to the school community or an ongoing threat to the academic process. If that is the case, the notice and opportunity for an informal conference shall take place as soon as possible after the suspension as is reasonably practicable. At that informal conference the student and parent shall be advised that they have the opportunity and right to query any and all the witnesses making accusations against the student.

After the conference, the Principal shall promptly advise the parents in writing of his/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 an appeal to the Board of Education with the District Clerk within ten (10) calendar days of the date of the decision, unless they know extraordinary circumstances precluding them from doing so. Only final decisions made by the Board of Education can be appealed to the Commissioner of Education within thirty (30) days of the decision (Appeal of Amara S. Decision No. 14,182 (July 30, 1999)).

**b. Long Term (more than five (5) days) suspension from school:**

When the Superintendent or Principal determines that a suspension for more than five (5) days is warranted, he/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/her and have the right to present witnesses and other evidence on his/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be made, but no stenographic transcript is 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. Said report shall be advisory, and the Superintendent may accept all or part thereof.

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

Education may be appealed to the Commissioner of Education within thirty (30) days of the decision.

**c. Permanent Suspension:**

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

**7. Minimum Period of Suspension:**

1. Students who bring a weapon to school (Gun Free School Act of 1994 (20 USC s/s 8921): Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to a suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to NYS Ed Law s/s3214. The Superintendent has the authority to modify the suspension on a case by case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:
  - a) The student's age.
  - b) The student's grade in school.
  - c) The student's prior disciplinary record.
  - d) The Superintendent's belief that other forms of discipline may be more effective.
  - e) Input from parents, teachers, and/or others.
  - f) Other extenuating circumstances.

The Superintendent is required to refer the following students to the Department of Probation, as the presentment agency, for a juvenile delinquency proceeding before Monroe County Family Court:

1. Any student under the age of sixteen (16) who is found to have brought a weapon to school or:
2. Any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status under the NYS Criminal Procedure Law (NYS CPL: 120(42).

The Superintendent is required to refer students over the age of sixteen (16) or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student fourteen (14) or fifteen (15) years old who possesses firearm, machine gun, or loaded firearm (as defined under the NYS Penal Law s/s220.14 (14)) qualifies for juvenile offender status under the NYS Criminal Procedure Law, section 1.20.

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

2. Students who commit violent acts other than bringing a weapon to school:

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and an opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five (5) day suspension, the student and the student's parent will be given the same notice and the opportunity for a hearing given all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five (5) 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 (1) year suspension for possessing a weapon.
3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher authority over the classroom:

Any student, other than a student with a disability, who engages in conduct, which results in the student, being removed from the classroom by teacher(s) on four (4) or more occasions during a semester, will be suspended from school for at least five (5) days. If the proposed penalty is the minimum five (5) 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 short-term suspension. If the proposed penalty exceeds the five (5) 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 (5) 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 (1) year suspension for possessing a weapon.

### **C. Referrals**

- Counseling.  
The principal or principal's designee shall process all referrals of students to counseling.
- 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:
  1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  2. Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  3. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05.
  4. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition. Juvenile Delinquents and Juvenile Offenders.

### **IX. ALTERNATIVE INSTRUCTION**

(NYS EDLaw s/s 3214 (3) (e))

(NYS EDLaw s/s 3214 (3-a))

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**

(Per IDEA and Article 89)

(Ensure Compliance with s/s 504)

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 certain procedural protections apply to students with disabilities 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 with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those afforded by applicable federal and state laws and regulations.

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

1. For the purposes of this section of the Code of Conduct, the following definitions apply:
  - a) A suspension means a suspension pursuant to NYS ED Law s/s 3214.
  - b) 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/herself or to others.
  - c) An IAES means a temporary educational placement for a period of up to forty-five (45) school days, other than the student's current placement at the time of the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
  
2. School personnel may order the suspension from or removal of a student with a disability from his/her current educational placement as follows:
  - a) The Board of Education, the Superintendent, or a Building Principal, delegated with the authority to suspend students may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive days and not to exceed the amount of time a non-disabled student would be subject to a 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 ten (10) consecutive school days, inclusive of any period 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 that non-disabled students would be subject to suspension for the same behavior.
  - c) The Superintendent may order additional suspensions of not more than ten (10) consecutive 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 CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) school days, if the student carries or possesses a weapon (as defined in this Code of Conduct) to school or a school function, or the student possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a student has inflicted serious bodily injuries upon another person while at school, on school premise, or at school function.
    - 1) Controlled Substance means a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and state law and regulation applicable to this policy.  
  
Illegal Drugs means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substance Act or 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 forty-five (45) school days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

**B. Change of placement:**

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 ten (10) consecutive school days, or
  - b) for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than ten (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 removal 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 upon 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 if the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances.

**C. Special rules regarding the suspension or removal of students with disabilities:**

1. The District's CSE shall:
  - a) Conduct functional behavioral assessments to determine why a student engages in 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 ten (10) days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than ten (10) 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 the modifications are necessary.

If one (1) or more members of the CSE believe that the modifications are needed, the District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the CSE determines necessary.

- b) conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a disciplinary change in placement.
- c) The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for special education and related services under IDEA and

Article 89 at the time of misconduct, may assert several protections provided for under the IDEA and State Regulations if the school district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. If the District is deemed to have such knowledge, the student will be considered a student presumed to have a disability for disciplinary purposes.

- a) The Superintendent, Principal, or other school official imposing a suspension or removal shall be responsible for determining whether a student is a student presumed to have a disability.
- b) A student will not be 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 parent of such determination, in the manner required by applicable law and regulation.
  - 3) A school district shall be deemed to have knowledge that a child is a child with a disability if prior to the time the behavior occurred;
    - The parent of the child has expressed concerned in writing to supervisory or administration personnel or to a teacher of a child that the child is in need of special education and related services.
    - The parent of the child has requested an evaluation of the child.
    - A teacher of the child or other district personnel has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Director of LSS or other supervisory personnel.

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 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 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 a suspension.

- d) The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made for placement of a student to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining student in his/her 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 change in placement.

The procedural safeguard notice prescribed by the Commissioner of Education shall accompany such notice of disciplinary removal.

- e) The parents of a student with disabilities subject to a suspension of five (5) days or less shall be provided with the same opportunity for an informal conference available to non-disabled students under the Education Law of NYS.
- f) Superintendent Hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) days of school shall be split into a guilt phase and a

penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

- g) 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 ten (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.
- h) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.

**D. Expedited due process hearings:**

- 1) An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy 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/her current educational placement, or while pending due process where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, while said proceedings are pending.
  - 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) Pending the expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior regarding weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the IAES placement, whichever occurs first, unless the District and parents agree otherwise.
    - 2) If the 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 fifteen (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/she must mail a written decision to the District and parent within five (5) business days after the last hearing date, and in no event later than forty-five (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 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 committed.
3. Wherein it is deemed that a student needs to be referred to juvenile authorities for a matter that may include a PINS petition, the assigned counselor or social worker shall initiate paperwork with the Monroe County FACT team to begin this process. Additionally, the Monroe County Sheriff's Office shall be notified.
  4. If upon investigation a school official feels it would be beneficial to involve outside human services agencies for a student, the assigned counselor or social worker shall initiate said contact.

## **XI CORPORAL PUNISHMENT**

(8 NYCRR s/s 19.5 (a)-(c))

(100.2 (l) (3) (I))

Corporal punishment is any act of physical force upon a student for the purpose of punishing the student.

Corporal punishment of any student by any District employee is expressly and strictly forbidden.

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

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

NOTE: The District, in compliance with NYS Regulations, will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with that office's regulations.

## **XII. STUDENT SEARCHES/INTERROGATIONS**

(New Jersey vs. TLO, 469 U.S. 325 (1985))

(People vs. Singletary, 37 N.Y. 2d 310 (1975))

(People vs. Overton, 20 N.Y. 2d 360 (1969))

(Rhodes vs. Guarrcino, 54F. Supp.2d186 (SDNY 1999))

(Pollnow v. Glennon, 594 F. Supp.220 (2<sup>nd</sup> Cir. 1985))

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 of Education authorizes certain school officials (Superintendent/Administrators/School nurses/ District Security) to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student has violated the law or the District Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear credible and the information they are communicating relates to an immediate threat of 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/she possesses the physical evidence that violated the law or the District Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices (or the Nurses office if need be) and students will be present when their possessions are searched. The District will make every attempt, where possible, to have a search of a student's person conducted by an adult of the same sex.

**A. Student's Lockers, Desks, and other Storage Places:**

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

**B. Strip Searches:**

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer garment. Any school official, believing this necessary, should make every attempt to secure the permission of the Superintendent in advance of doing so, other than in those of a matter pertaining to an immediate threat to safety.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and must be done in the presence of another District professional employee of the same sex.

In each and every case such as this, school officials are required to have more than reasonable cause, that being probable cause, to believe that the student is concealing evidence that constitutes a violation of law or the District Code of Conduct. School official must take into consideration the nature of the alleged violation, the student's age, the student's record, as well as the need for such a search. Whenever possible, District officials shall seek an alternative solution to avoid such a procedure.

School officials will make every attempt to notify the student's parents telephonically prior to conducting such a search (again, unless the search is a safety manner), or in writing after the fact if telephonic contact could not be made.

**C. Documentation of Searches:**

District officials involved in any search as described herein are responsible for making a written record, promptly, of the following:

1. Name/age/grade of student searched
2. Reasons for search
3. Names of any/all informants
4. What property was being sought

5. Type and scope of search
6. Person, along with title, conducting search
7. Witnesses to search, along with their title
8. Time/location of search
9. Search results (what was found)
10. Disposition of items found
11. Results (manner) of parental notification

The District official involved shall be responsible for the custody, control, and disposition of any item taken from a student. That official shall maintain control over illegal items until such time as they are turned over to the police. That official is also responsible for the transfer of said property to the police.

**D. Police Involvement in Searches and Interrogations of Students:**

District officials are committed to working with the police to maintain a safe school environment. Police officials, however, have limited authority to interview and/or search students in schools or attending school functions. Police may enter school property or a school function to question or search a student or to conduct a formal investigation concerning students only if they have:

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

Before police officials are permitted to question or search a student, the District official present shall first attempt to notify the student's parent to give the parent the opportunity to be present. If this contact cannot be made, notification in writing shall be made by the District to the parent. The District official shall be present at all times when any such questioning or search is being done.

Students who are being questioned by the police on school property have the same rights they have out of school:

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

**E. 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 (CPS) when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with CPS who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, neglect, or custody investigations.

All requests made by CPS shall be directed to the Building Principal or his/her designee. That District official shall set the time, date, and location of the interview. The District official shall make a determination as to whether a District official need be present during the interview. If the allegation leads to a point where it becomes necessary for the student to remove any portion of his/her clothing, the school nurse shall be present. No student may be required to remove any portion of his/her clothing in the presence of any person involved in this process who is of the opposite sex.

A CPS 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 or abuse if he/she were not removed prior to a court order being obtained. If the worker does in fact believe the student

would in fact be in such danger of abuse and/or maltreatment, they may remove the student without a court order or parental consent.

### **XIII. VISITORS TO SCHOOLS**

The Board of Education encourages visitors and other District citizens to visit the District's schools and classrooms to observe the work of students and staff. Since schools are a place of work as well as learning, certain limits must be set for such visits. The Principal is responsible for all persons in the buildings and on the grounds. For these reasons, the following rules shall apply to all visitors to the schools:

1. Anyone who is not a regular staff member or student of any school building, shall be considered a visitor.
2. All visitors are required to report to a designated location in each building. This designation shall be made by signage posted at every building, directing all visitors. All visitors will be required to provide valid government issued photo identification and state the valid purpose for their visit prior to being granted entry to the building. Upon entry, they must register as a visitor, and will issued a visitor ID badge that they will return upon departure.
3. This requirement does not apply for persons authorized to attend public functions at the schools (PTA meetings, etc.)
4. Classroom visitations are to be arranged in advance, so that classroom disruption will be kept at a minimum.
5. Teachers are expected not to take instructional time to discuss individual matters with visitors.
6. All unauthorized persons on school property will be directed to leave. Non-compliance with such a request may result in police involvement.
7. All visitors are expected to abide by the rules for public conduct as contained within this Code of Conduct.

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

The District is committed to providing an orderly, respectful environment that is conducive to quality learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions.

The restrictions on public conduct on school property and at school functions contained within this Code of Conduct 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 portion of the Code of Conduct is to maintain public order and prevent the abuse of the rights of others.

#### **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 remove District property
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 programs.
5. Intimidate, harass, or discriminate against any person for any reason.
6. Enter any portion of school properties without authorization or remain therein after said premises are closed

7. Obstruct the free movement of any person in any place to which this Code of Conduct applies.
8. Violate the NYS Vehicle & Traffic Law, local parking regulations, or other restrictions placed upon vehicles
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or to be under the influence of either on school grounds or at a school function
10. Possess any weapon as defined in the Code of Conduct, except in the case of law enforcement officials, or except as authorized by the District
11. Loiter on or about school grounds, or at school functions
12. Gamble on school properties or at school functions
13. Refuse to comply with any lawful order of identifiable District employees performing their duties
14. Willfully incite others to commit any of the acts prohibited by the Code of Conduct
15. Violate any federal or state statute, local ordinance or board policy while on school property or at a school function.
16. Use of tobacco products anywhere on school property including inside a vehicle.

**B. Penalties:**

Persons who violate this Code of Conduct shall be subject to the following penalties:

1. Visitors – their authorization, if any, to be on school properties or at a school function shall be withdrawn, and they shall be directed to leave the premises. Non-compliance may be met with legal intervention.
2. Student – they shall be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with this Code of Conduct; further, in accordance with the due process of law requirements.
3. Tenured Faculty Members – they shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with NYS Ed Law 3020-a or in any other legal or contractual rights that may apply.
4. Staff members in the classified section of the Civil Service entitled to the protection of the Civil Service Law section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any legal or contractual rights they may have.
5. Staff members other than those described in subdivisions 4 & 5 shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement:**

The Superintendent shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other District staff who are authorized to take action consistent with this Code.

**XV. DISSEMINATION AND REVIEW**

(NYS ED LAW s/s 2801 (5))

**A. Dissemination of Code of Conduct**

The Board of Education 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 in a manner to ensure receipt by said students
2. Provide 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
3. Providing all current staff members with a copy of this Code and a copy of any amendments to the Code as soon as possible after adoption
4. Providing all new employees with a current Code when hired
5. Making copies of the code available for review by students, parents, and other community

members

**B. Review of Code of Conduct**

The Board of Education will review this Code of Conduct every year and update it as necessary. On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed, in writing, to all parents and guardians of students. A copy of the Code will be filed in every school building, available for review by any individual.

The Board of Education will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code. The Board of Education will review this Code each year, and update it if need be. In conducting this review, the Board of Education will consider how effective the Code is and whether it has been applied fairly and consistently.

The Board of Education may appoint an advisory committee to assist in reviewing the Code and the District's response to Code violations. Representatives on this committee may include representatives of the student, teacher, administrator and parent communities as well as school safety personnel.

Before adopting substantive revisions to the code, the Board of Education will post the revised code to the District website and hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

*Code of Conduct approved by Hilton Board of Education September 2001.*

*Reviewed and re-approved: July 2002, July 2003, July 2004, and July 2005. July 2006, July 2007, July 2008, May 2011, May 2012, May 2013, July 2014, August 2014, May 2015, May 2016*

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