

**HONEOYE FALLS-LIMA CENTRAL  
SCHOOL DISTRICT**

**CODE OF CONDUCT**

**Revised August 2007**

### **District Mission Statement**

The Honeoye Falls-Lima School Community is committed to producing graduates who value themselves and others, attain their highest level of achievement, contribute to the community and succeed in a changing world.

### **Code of Conduct: Purpose and Applicability**

The Board of Education is committed to maintaining a school, which provides students and staff with productive, satisfying, and wholesome learning environments. Essentially, this means that relationships are such that students can learn and teachers can teach.

Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect is hereby declared to be in violation of Board of Education policy.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction.

This *Code of Conduct* governs the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic and other programs and activities.

It is not the intent of this *Code of Conduct* to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of this *Code* is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

### **Board of Education/Administration/ Faculty/Other District Personnel**

It is the responsibility of the Board of Education and all district staff—Administration, Faculty, and all other personnel—to establish and sustain a school district whose high educational standards and commitment to positive individual development are worthy of the respect and treatment this *Code of Conduct* requires.

Accordingly, the terms of this *Code* apply to all members of the Board and staff not only as individuals, but also as role models and as representatives of the district to the rest of the world

## General: All Persons

### Dress

The responsibility for dress and general appearance of individuals rests with the individuals (or in the case of students, with the individual students and their parents). They have the right to determine how they dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge on the rights of others.

The Board requires students to wear appropriate protective gear in certain classes (e.g. career and technical education classes, science laboratories, and physical education classes).

A student's dress, grooming, and appearance in school and at school events needs to be appropriate regardless of current trends and shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
  2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (cleavage revealing), see through garments, excessively short skirts/shorts are not appropriate or permitted.
  3. Ensure that underwear (males and females) is completely covered with outer clothing.
  4. Include footwear at all times.
  5. Not include items that have suggestive implications or may be deemed vulgar, obscene, libelous, or that denigrate others for any reason, particularly on account of race, creed, national origin, gender, sexual orientation, or disability.
  6. Not promote, endorse, or suggest the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal, sexual, or violent activities.
- School is a workplace and student attire should be appropriate for a work place. Clothing that reveals breasts or buttocks, exposes underwear, or promotes illegal substance use or sexual activity is not appropriate for school.

Hats, clothing and attire, which bear an expression or insignia which is obscene or libelous, which advocates racial or religious prejudice, which is drug or alcohol related, or is disruptive, are forbidden. Hats may be worn in school hallways. However, the Board, after consulting with the community and in keeping with community standards prohibits students from wearing hats in the classroom. Building policies will specify attire that is prohibited in each building.

Beyond these requirements, the Board of Education encourages students, parents and other individuals to make choices regarding dress, which convey sensitivity and respect toward other people and toward the school and its purposes.

Student, faculty, or parent groups may recommend appropriate/alternative dress for school or special occasions such as Spirit Week during Fall Weekend.

The Superintendent of Schools, other designated administrative personnel, shall have the authority to require a student to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with it with an acceptable item should it be deemed inappropriate according to the above guidelines. Students who refuse to do so shall be considered insubordinate and subject to discipline

### Physical Education

In order to promote participation, health and safety, the following clothing guidelines shall be established for student participation in physical education classes:

Students in kindergarten, Grade 1, Grade 2, and Grade 3 shall be required to wear athletic socks and sneakers; and Students in grades 4-12 shall be required to wear athletic socks and sneakers, gym shorts and t-shirts.

### Language

The use of profane and/or obscene language, spoken or written, is inappropriate and therefore is prohibited in the public transactions of the school district, except as a topic of academic study. Also prohibited is language, which constitutes threat, hazing, abuse of others, impingement on the rights of others, any form of harassment, or any interference with the educational process. The administration is authorized to take action in instances of language use, which violate these requirements.

For interpersonal transactions in the district, the Board encourages all members of the school community and all visitors to employ language, which reflects sensitivity and respect toward the feelings, values, humanity and dignity of others. Though the appropriateness of specific language may vary from public to private contexts, the underlying principle of mutual respect should be upheld.

These requirements and expectations are not intended to apply to the academic study of authorized curricular material, which may contain language considered to be objectionable.

#### ACCEPTABLE NETWORK USE (Use of computers)

Students are expected to use the Internet only for purposes consistent with our approved curriculum. All school computers are to be used in a responsible, efficient, ethical and legal manner. The codes of conduct of the schools apply to Internet activities and this acceptable use policy should therefore be considered an extension of behavior codes.

Individuals who log on to the Internet at school are responsible for all activities while using it. Users should exercise caution when revealing personal information. To ensure personal safety and safety of others, users should not publish their home addresses or phone numbers over the Internet. If students experience any concerns over communications they have received from others, they should seek assistance from staff or parents immediately.

The schools do not control the content of the information available on the Internet. However, the district does subscribe to an Internet filtering service. Should a user discover material on the Internet that is inappropriate in the school environment he or she should not download or transfer this material and shall not identify or share the location of the material with others.

School computers and related peripherals should be used for authorized school purposes. Personal use of school equipment is not permitted.

#### Appropriate Conduct

Appropriate conduct is that which respects, protects, and enhances the district's educational mission and procedures, the authority and dignity of school personnel, and the rights of all persons associated with the district to a safe, secure, and productive environment.

The Board of Education encourages and expects all persons to exhibit appropriate conduct. Personal or issue-related differences of opinion are welcome; however, they are to be resolved through respectful, reasoned dialogue and/or through established channels for addressing complaints or resolving disputes. Parents bear the additional responsibility of helping to guide their children toward appropriate conduct in school.

Just as Board of Education members and all district personnel are expected to uphold the terms of this *Code* in their behaviors, they have a right to civil, decent, respectful treatment in their transactions with students, parents and others. The administration is authorized to intervene in instances where actions or behaviors toward staff members fall short of this standard.

#### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute, display, 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. This includes, but is not limited to, pictures on phones, laptops or other electronic media.
5. Intimidate, harass, bully or discriminate against any person for any reason but particularly 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. This includes, but is not limited to, intentional reckless driving or horseplay.
9. Skateboard on school grounds. Skateboards are prohibited on school busses without prior principal approval, along with other restricted items (glass objects, animals, weapons, snow

- boards, skis and poles, sports equipment that is not in an appropriate bag, objects that cannot be held on a student's lap, objects that make a loud or disturbing noise.
10. 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.
  11. Possess or use weapons in or on school property, in one's vehicle on school grounds or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
  12. Loiter on or about school property.
  13. Gamble on school property or at school functions.
  14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
  15. Willfully incite others to commit any of the acts prohibited by this code.
  16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
  17. Make false or malicious complaints of harassment.

#### B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. Board Members.

#### C. Enforcement

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

When the 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 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.

#### Security and Safety

The security and safety of students and staff must remain inviolate at all times. Any threats, actions, or potential actions or events which may jeopardize student or staff safety or security must be reported immediately to administration by anyone who has reasonable cause to suspect they have occurred or may occur. Administrators will take all reasonable steps to prevent or respond to situations which may jeopardize safety and/or security, following such guidelines from this Code and from District and Building Emergency Plans as may apply. The Superintendent will be notified of all such situations at the earliest possible time.

### **Students**

#### Purpose

The terms and procedures of this section of the *Code* address student behaviors, as well as the roles and responsibilities of teachers, administrators, and parents, in assuring that our schools remain safe and productive for all.

The vast majority of Honeoye Falls-Lima students behave in ways that respect the rights of others and the educational mission of the schools. The terms of this *Code*—and the consequences for infractions—are intended to protect those rights and that mission from the few students whose behavior may require intervention and change.

Further rules, regulations, expectations, and disciplinary procedures are outlined in building handbooks, which are appropriately tailored to each school's culture and age/grade level.

### Student Rights and Responsibilities

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, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District Computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 2801 and 3214

Family Court Acts Articles 3 and 7

Vehicle and Traffic Law Section 142

8 New York Code of Rules and Regulations (NYCRR)

Section 100.2(1)(2)

### Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day, be in class on time and prepared to learn unless they are legally excused from school.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to 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. All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his/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 Principal, the Principal's designee or the Superintendent of Schools.

### Disciplinary Penalties, Procedures and Referrals

In keeping with New York State Education law, this *Code* prohibits behaviors which threaten or endanger others, or which disrupt the educational program and/or climate of the schools. Such behaviors include "incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence." In addition, students are expected to comply with all reasonable requests and directives of teachers, administrators, and paraprofessionals. Failure to do so constitutes insubordination.

The following Board of Education Policies and Regulations provide further specific information regarding some of these infractions:

5300.35 Code of Conduct

### Range of Penalties

The range of penalties which may be imposed for violations of the student disciplinary code include the following:

#### A. Penalties

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, secretaries, paraprofessionals, coaches, guidance counselors, teachers, Directors, Coordinators of Teaching and Learning, Assistant Principals, Principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, secretaries, paraprofessionals, coaches, guidance counselors, teachers, Directors, Coordinators of Teaching and Learning, Assistant Principals, Principal, Superintendent
4. Detention – Teachers, Coordinators of Teaching and Learning, Dean of Students, Assistant Principal, Principal, Superintendent
5. Suspension from transportation – Director of Transportation, Principal, Superintendent
6. Suspension from athletic participation – coaches, Athletic Director, Coordinators of Teaching and Learning, Dean of Students, Assistant Principal, Principal, Superintendent
7. Suspension from social or extracurricular activities – Advisor, Coordinators of Teaching and Learning, Dean of Students, Assistant Principal, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Coordinators of Teaching and Learning, Dean of Students, Assistant Principal, Principal, Superintendent
10. Removal from classroom by teacher – teachers, Coordinators of Teaching and Learning, Assistant Principal, Principal, Superintendent
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 – Principal, Superintendent, Board of Education
13. Permanent suspension from school – Superintendent, Board of Education.

Counseling, although not considered a penalty, may be an alternative to the imposition of a penalty, provided that such counseling is formally procured through the Guidance Office.

In addition, involuntary transfer, although not a penalty, may be considered in cases where a nondisabled student's behavior problems indicate the need for transfer and the nondisabled student would benefit from the transfer. A nondisabled student may be transferred only in accordance with Education Law section 3214(5).

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that staff members imposing such penalty take into account all other relevant factors in determining the appropriate penalty. The above penalties may be imposed either alone or in combination. Such penalties may be imposed by the Superintendent of Schools or with his/her permission.

#### Detention

The Board of Education believes that detention is an effective method of discipline for students.

A student who misses an assigned general detention shall be automatically assigned two make-up detentions the next available dates. If a student fails to attend either of the two assigned make-up detentions, one day of in-school suspension shall be assigned for each make-up detention truancy. If a student misses an in-school suspension, he/she may be suspended for insubordination. A parent/guardian conference must be held prior to the student's return to school from such a suspension.

A list of those on detention is available in the main office of each building. The building principal and the parent(s) or guardian(s) must be notified, and the student must have transportation home.

#### Teacher Detention

Teachers may detain students before or after school.

#### Administrative Detention

Administrators may assign Study Detention before or after school as a consequence for reported or observed misbehavior. A written record of the misbehavior and follow-up actions will be issued to appropriate school personnel and to parents.

#### Suspension from Transportation

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the Superintendent. In such cases, the parent(s) or guardian(s) of the children involved become responsible for seeing that their children get to and from school safely. Should the suspension from transportation

amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

#### Suspension from Athletic/extracurricular participation

Students who do not adhere to the academic, behavioral, or other standards established for their activity or set forth in Board of Education policy 5305 may be suspended from that activity. Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.

#### Classroom Climate; Responses to Disruption

Each student is expected to participate productively in the class, and each is responsible for supporting the climate for learning established by the teacher. Disruption of that climate is not acceptable.

Teacher responses to classroom disruption shall be progressive and shall take into account relevant factors regarding the student and the situation. Through effective classroom management techniques, most potential disruptions will be curtailed and/or transformed into energy for learning. Where individual disruption persists, the teacher will first attempt to address the issue in problem-solving ways—through encouragement and the development of understanding—before invoking disciplinary approaches. Such ways may include private conversations with the student, adjustments in the classroom, problem-solving conversations with parents and/or colleagues as well as the many other creative approaches that teachers invent and/or apply.

If a student persists, disciplinary approaches as well will be progressive with the purpose of resolving the issue at the lowest effective level. Such approaches may include, but are not limited to short term "time-out" in the classroom, hallway, or administrative office, sending the student to a counselor or other district staff member for counseling, detentions, and/or other reasonable approaches that may bring about the desired change of behavior. Under this *Code of Conduct*, such techniques do not constitute a "removal from the classroom" in terms of the *Project SAVE* legislation. Teachers will be prepared to document attempted interventions in the event that the disruptive behavior(s) persist and a temporary removal from the classroom, pursuant to the *Project SAVE* laws becomes a consideration.

#### Removal from Classroom

Under the *Project SAVE (Schools Against Violence in Education)* laws, teachers are authorized to remove disruptive students from their classrooms in keeping with the terms of this Code of Conduct. A "disruptive student" is one who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Teacher removal of a student, as authorized by *Project SAVE* shall be neither the beginning nor the end of a process by which teachers endeavor to assure productive classroom behavior. It will be preceded by less drastic measures to promote appropriate behavior (as indicated in the preceding section), and it will be followed by documentation, formal involvement of parents, teacher, and administrator, record keeping, and such other steps as are likely to succeed. Nothing in this process is intended to reduce the teacher's opportunity or responsibility to resolve issues of disruption through the less formal approaches that have traditionally been applied in our schools. Formal, temporary "removal" may occur in addition to, not in place of, other approaches.

#### Project SAVE Removal: Procedures and Guidelines

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.

A student who is removed from class will be escorted or sent with a pass to a designated location. At the time of removal, the teacher will inform the pupil of the reasons for the removal and listen to the pupil's version of the situation, unless the pupil's continued presence poses the threat of continued danger or disruption. In that case, the teacher will review the situation with the pupil within twenty-four hours of the removal.

On a designated form, the teacher will provide a written summary of the reasons for and duration of the removal to the appropriate administrator (principal or designee) by the end of the school day in which the removal has occurred. A copy of the form will go to the administrator, and a copy will be mailed to the parents. In addition, by the end of the day in which the removal has occurred, the teacher will telephone the student's parents to inform

them of the removal and the reasons for it, as well as of the parents' right to request an informal conference with the administrator and teacher to discuss the situation.

Upon parental request, the principal (or designee) will schedule a conference with the parents and teacher to discuss the situation and to hear the pupil and/or parents' version. The conference will be held within 48 hours of the removal.

Removal of a student with a disability, under certain circumstances, may constitute an illegal 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.

The administrator will not overturn the student's removal unless he/she finds that the charges against the pupil are not supported by substantial evidence or that the pupil's removal is otherwise in violation of law. If the administrator determines the pupil's behavior warrants suspension from school, a suspension will be imposed. The administrator will make a determination no later than the end of the day following an informal conference.

The principal will establish procedures to assure that the educational program and activities for students removed from the classroom will continue. The teacher will maintain a folder of appropriate materials and work for the student during the period of removal, and will provide the student with such work upon removal.

Each teacher must keep a complete log for all cases of *Project SAVE (Safe Schools Against Violence in Education)* removal of students from his/her class. The administrator(s) must keep a log of all *Project SAVE* removals of students from class.

#### In-School Suspension

In-school suspension will be used as a lesser discipline to avoid out-of-school suspension when appropriate. The Board authorizes Assistant Principals, 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." Students may be assigned to in-school suspension for a specified period of time. Students may not attend classes during this time unless a special request is made by a teacher and that request is approved by an administrator.

Prior to the imposition of an in-school suspension, the administration shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.

Upon the imposition of an in-school suspension, the student's parent(s) or guardian shall be notified of the dates of the in-school suspension and a description of the incident(s), which resulted in the in-school suspension.

The student's teachers will be notified in writing that alternative instruction assignments for the period of in-school suspension should be provided to the student and/or sent to the in-school suspension room.

Students assigned to In-school suspension are expected to arrive at the designated room when assigned and must be prepared to work the entire day.

During any day that a student is suspended, he/she may not participate in any school activities either before, during, or after school.

All suspension (in school and out-of-school) shall necessitate a readmission conference. This conference shall occur before a student will be allowed to return to regular class. The District typically requires parents to be involved in the readmission conference; however, when a parent refuses to participate, the District may not use the parent's refusal to participate in the re-admission conference as grounds to continue to keep the student out of school beyond the prescribed term of the suspension.

For further information regarding In-school suspension, refer to the following policy and regulation:

- Subsection 5300.40                      Disciplinary penalties, procedures and referrals
- Subsection 5300.40-R.1              In-School Suspension Regulation

### Out of School Suspension: Short Term

When a student is suspended for a period of five days or less, the building principal will provide the student with an explanation of the misconduct on which the suspension is based and with an opportunity to present his/her version of events. The building principal will also provide the student's parents with notice and explanation of the suspension by phone if possible, and in writing within 24 hours.

The notification will also offer parents the opportunity to request an informal conference with the building principal at which the pupil and/or parent may present their version of events and ask questions of complaining witnesses. The conference will take place as soon after the suspension as is reasonably practicable. If the student's continued presence in school does not pose a danger to persons or property or an ongoing threat of disruption, the conference will take place prior to the suspension.

Students who are suspended out of school may not attend classes, participate in or attend any school functions, or be on school grounds while the suspension is in effect. Schoolwork will be made available as soon as possible to provide for continuation of the student's educational program.

All suspension (in school and out-of-school) shall necessitate a readmission conference. This conference shall occur before a student will be allowed to return to regular class. The District typically requires parents to be involved in the readmission conference; however, when a parent refuses to participate, the District may not use the parent's refusal to participate in the re-admission conference as grounds to continue to keep the student out of school beyond the prescribed term of the suspension.

For further information regarding student suspension, refer to the following policy and regulation:

- Subsection 5300.40                      Disciplinary penalties, procedures and referrals
- Subsection 5300.40-R.2              Student Suspension Regulation

### Long Term Suspension/Superintendent's Hearing

When the Superintendent determines that consideration of suspension for more than five days is warranted, he/she shall give reasonable notice to such student and the parent(s) or guardian of their right to a fair hearing. At this time the student shall have the right of representation by counsel, with the right to question witnesses against him/her and 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 maintained, but no stenographic transcript shall be required and 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, which will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.

The district will make arrangements for the continuation of an educational program for suspended students of compulsory school age. At the superintendent's discretion, the district may make similar arrangements for students who are above compulsory school age.

Students on long-term suspension are prohibited from attending any school events and from being on school property without express permission.

All suspension (in school and out-of-school) shall necessitate a readmission conference. This conference shall occur before a student will be allowed to return to regular class. The District typically requires parents to be involved in the readmission conference; however, when a parent refuses to participate, the District may not use the parent's refusal to participate in the re-admission conference as grounds to continue to keep the student out of school beyond the prescribed term of the suspension.

### Suspension Procedures for Students with Disabilities

Students with disabilities should not be suspended for more than 10 days if their inability to conform to the school's Code of Conduct is due to their disability.

With the exception of the ten day or less suspension, this regulation does not apply to a student identified as having a disability(ies). All matters of discipline in cases of suspensions of more than ten days will be immediately referred to the CSE for review and modification, if appropriate, of such student's Individualized Education Program (IEP). If there is any doubt as to whether the behavior is directly related to the student's disability, the case will be referred to the CSE immediately. The CSE will decide if counseling or disciplinary action may be appropriate and/or if a change of placement is appropriate.

Pending the outcome of appeal procedures related to such modification, if the behavior of a student endangers the health and safety of himself/herself or others, the Superintendent will seek parental consent or, if appropriate an expedited impartial hearing for immediate alternative placement of the student.

#### Minimum Suspension Periods

##### Repeated Substantial Disruption

As defined by New York State Education Law 3214, "a disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom." Pupils who are disruptive may receive warnings, detention, in-school suspension, or out-of-school suspension up to five days.

Students who are repeatedly substantially disruptive, as defined by the Commissioner of Education, will receive a minimum out-of-school suspension of up to five days. If disruptive behaviors are not corrected after other penalties have been applied, the principal may call for a Superintendent's hearing and recommend a long-term suspension.

#### Violence

As defined by New York State Education Law 3214, a violent pupil is an elementary or secondary student under twenty-one years of age who:

1. Commits an act of violence upon a teacher, administrator or other school employee
2. Commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property
3. Possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death
4. Displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing injury or death
5. Threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death
6. Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
7. Knowingly and intentionally damages or destroys school district property.

Students who act in a way that would qualify as violent under this definition will receive a minimum out-of-school suspension of up to five days. Penalties beyond this minimum will be applied to cases of assault, the possession or use of a weapon, and the possession, use, or sale of drugs. (See following paragraphs.)

#### Harassment

For purposes of this policy, harassment shall mean unwelcome and offensive communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;

c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

#### False Complaints

False or malicious complaints of harassment may result in corrective or disciplinary action taken against the complainant.

### THREATS OF VIOLENCE IN SCHOOL

The School District is committed to the prevention of violence against any individual or property in the schools or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students and the school environment. Employees and students shall refrain from engaging threats or physical actions which create a safety hazard for others.

All staff who are made aware of physical acts and/or threats of violence directed to students or staff are to report such incidents to the building principal/designee, who shall report such occurrences to the Superintendent. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent/designee.

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to a faculty/staff member or the building principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the Code of Conduct as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Regulations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the Code of Conduct.

#### Weapons

A weapon is defined as any instrument capable of firing a projectile, the frame or receiver of any such weapon, a firearm muffler or silencer, any explosive device, or any other instrument capable of inflicting bodily harm. Any ammunition, knife, dangerous chemical, explosive, or any object which is not necessary for school activities and which could be used as a weapon or could be interpreted as a weapon is included in this section of the code of conduct.

No student shall have in his or her possession, upon school premises, including but not limited to in a vehicle, or in a backpack any "firearm." The term "Firearm" includes rifle, shotgun, pistol, revolver, any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston, or CO2 cartridge.

Any student found guilty of bringing a firearm, as defined in section 921 of Title 18 of the United States Code onto school property after a hearing has been provided pursuant to section 3214 of the Education Law will be subject to at least a one-year suspension from school. However, after this penalty has been determined, the Superintendent of Schools will review the penalty and may modify such suspension on a case-by-case basis. If the Superintendent believes a one-year suspension penalty to be excessive, he/she may modify the penalty based on criteria including but not limited to:

1. The age of the student
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; and
6. Other extenuating circumstances.

The Superintendent shall refer any student, under the age of 16, who has been determined to have brought a firearm to school to Family Court; students over the age of 16 will be referred to the appropriate law enforcement authorities.

Students with disabilities can only be suspended consistent with the provisions of the Individuals with Disabilities Education Act and Article 89 of the Education Law.

Authorized law enforcement officers are the only people permitted on school property to have a weapon in their possession.

Penal Law Sections 265.01-265.06

#### Alcohol, Drugs, and Other Substances

The Board of Education is committed to the prevention of alcohol and other substance use/abuse.

No student may use, possess, sell, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term "alcohol and/or other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, tobacco, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol, or other substances.

*Penalties:* Penalties for violation of the Board of Education Drug and Alcohol policy are specific in detail in Regulation 5312.1-R. They include:

1. Parental contact and notification
2. Out-of-school suspension, and the possibility of a Superintendent's hearing to consider long term suspension, restricted instruction, and/or placement in alternative instruction
3. Immediate suspension from all school extracurricular activities for a specified period, depending on the student's record of prior offenses
4. A recommendation for family participation in a substance abuse program
5. If appropriate, referral to police authorities
6. A student-parent/guardian conference with the principal prior to a student's return to school.

Pursuant to the terms of Regulation 5312.1-R, the intensity of penalties, including the duration of suspensions from school and extracurricular activities will increase with each succeeding offense.

Any student found to be selling or distributing alcohol or other substances on school grounds, at a school-sponsored activity or in a school district vehicle will be suspended from all extracurricular activities for a minimum

of 120 calendar days. He/She shall also be immediately referred to police and will appear at a Superintendent's hearing.

If a student is a member of an extracurricular activity and abuses alcohol or other substances at a function separate from school, he/she will be subject to suspension from that extracurricular activity for the period of time applicable for the frequency of the alcohol or other substance use/abuse as set forth in the relevant sections of Regulation 5305-R, as determined by the principal.

If a student self-refers for assistance in dealing with his/her chemical use, he/she will be referred to support services through the building team. Amnesty from discipline will continue as long as a student follows his/her recommended intervention program. If that student does not follow the intervention program, he/she will be subject to the provisions of this regulation regarding suspension from extracurricular activities.

Offenses set forth in this section of the *Code* will be documented cumulatively through the time a child attends the district

Reporting of Violations; Determination of Discipline; Police Notification; Parent Notification

All students are expected to report violations of this code to a teacher, counselor, administrator or other school official. School personnel will report violations of this Code to building administrators. Administrators will investigate the situation, make a determination as to the validity and seriousness of reported infractions, and assign measured disciplinary consequences in keeping with the terms of this Code and of individual building practices.

In cases of violence, weapons, or any known or suspected situation which poses a real or potential danger to persons or property, students and school personnel will inform building administrators without delay. Administrators will immediately invoke whatever emergency responses are needed to protect the safety of all persons. The Superintendent will be immediately informed. Disciplinary consequences as outlined in this Code will follow. In situations, which constitute a crime, which significantly affects the order or security of a school, the Superintendent or the principal will notify police pursuant to the district's emergency response plan. As soon as possible, the principal will notify parents of students whose behavior poses a danger to themselves or others.

Parents will also receive written notice of any reported violation and disciplinary action and will have the opportunity to discuss the issues and/or their concerns with school authorities. For further information regarding student disciplinary proceedings, refer to Board of Education Policy Subsection 5300.35.

VADIR

In compliance with the Uniform Violent and Disruptive Incident System, the District will record each violent or disruptive incident that occurs on school property or at a school function. In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the Summary of Violent and Disruptive Incidents form) to the Commissioner of Education in the manner prescribed.

Criminal Court Complaints; Juvenile Delinquency Petitions

Violations of this Code which constitute criminal acts and/or which endanger persons or property will be reported to the Superintendent and to the police. Once any emergency or endangering situation has passed, the Superintendent and building principal, in consultation with the police and with a school attorney, will make a determination as to whether or not to file a criminal court complaint or a juvenile delinquency petition on behalf of the district. Upon authorization from the Superintendent, the building principal (with support from appropriate school staff as needed) will file the complaint or petition.

Person In Need of Supervision (PINS) Petition; Human Services Referral

Through its programs and personnel the district and each of its schools will make every reasonable effort to support and promote the well being, healthful adjustment, and responsible behavior of students. The district and its schools will apply their own resources, including administrators, teachers, counselors, pupil personnel services professionals, and others, in collaboration with parents, toward this effort.

Building Student Study Teams (SST's) will review and monitor cases of students who have extraordinary needs and may require particular interventions. In situations where district efforts and resources do not result in an

appropriate adjustment of a student to the school environment, or when other compelling student needs exist, the school may, among other options, consider filing a PINS petition or a human services referral.

Building SST's may recommend a PINS petition or a human services referral to the principal only when other options to meet a student's special needs have been considered and deemed inappropriate or tried without success. Throughout any SST deliberations, parents will be consulted and their collaboration will be encouraged. The principal, in consultation with the Pupil Personnel Director, will determine whether or not to proceed with a PINS petition or a human services referral.

In situations where parents wish to initiate a PINS petition or human services referral, the school will cooperate and provide support in every reasonable way.

#### In-service Programs

The district will establish and maintain in-service programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline.

Such programs may include (but are not limited to) developing staff awareness of the district's policies and procedures regarding school safety, specific training in the implementation of such procedures, prevention and intervention strategies, and effective communication. The time dedicated to such training shall be in keeping with the Commissioner's regulations.

Adopted: 6/26/01

Revised : 8/29/2007