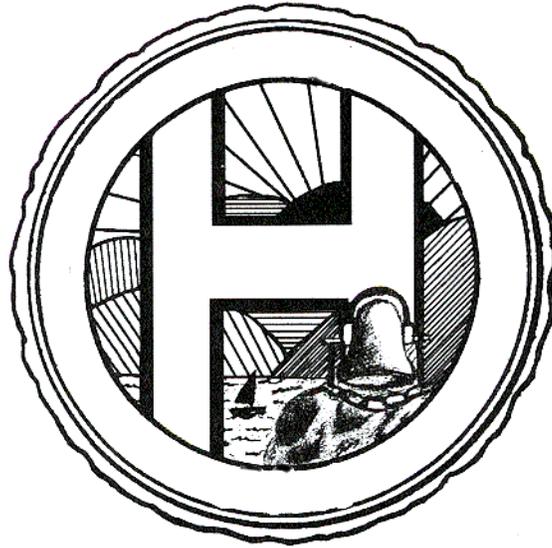


CODE OF CONDUCT



Haldane Central School District

Cold Spring, NY 10516

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Acknowledgements 2008-16 additions:

This document reflects the collaborative efforts of faculty, students, parents, and administrators over a period of many years.

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Code of Conduct

I. Introduction

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

The district has a long-standing set of expectations for conduct on school property, at school functions, or during activities affecting the school community. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

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

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

II. Definitions

For purposes of this Code, the following definitions apply:

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

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

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

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

“Activities affecting the school community” means any off-campus activity that may endanger the health or safety of pupils within the educational system, or that may adversely affect the educational process.

“Violent student” means a student under the age of 21 who while on school property or at a school function:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits an act of violence upon another student or any other person on school property or at the school function, or attempts to do so.
3. Possesses a weapon.
4. Displays what appears to be a weapon.
5. Threatens to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Additional definitions in accordance with the 2011 Dignity for All Students Act

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

School Bus means every motor vehicle owned 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 Section 11[1] and Vehicle and Traffic Law Section 142).

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

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]). Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

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

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

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

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

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

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

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

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Sexual orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

III. Student Rights and Responsibilities

Student Rights

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

1. Attend school in the district in which his/her parent or legal guardian resides. In the event of a shared custodial arrangement, the student is entitled to attend school in the district of the parent with whom he or she resides for more than 50% of the time.
2. Express his/her opinions verbally or in writing in accordance with the Code of Conduct.
3. Dress in such a way as to express individual choice, provided that it doesn't interfere with the educational process or violate the Dress Code within this Code of Conduct.
4. Expect that the school will be an orderly place for all students to gain an education.
5. Be afforded due process in the event of disciplinary action brought against him/her, including suspension and / or expulsion.
6. Be represented by an active student government selected by free school elections.
7. Be afforded equal and appropriate educational opportunities.
8. Be afforded channels of communication to the Board of Education. A student has the right to discuss any decisions related to this Code of Conduct by following proper channels of communication beginning first with the staff member who initiated the referral followed by the principal or his/her designee, followed by the Superintendent and then the Board of Education.
9. Be afforded the opportunity to develop school publications such as school newspapers.
10. Be afforded the opportunity to participate on athletic teams for which the student is otherwise eligible, regardless of sex, except pursuant to regulations of the State Education Commissioner.
11. Have the opportunity to participate in available extracurricular activities for which the student is otherwise eligible.
12. Have access to relevant and objective information concerning drug and alcohol abuse. Sexual abuse or general abusive behavior as well as access to individuals or agencies capable of providing direct assistance to students.
13. Have his/her student records available for inspection by his/her parent or legal guardian upon request, or if 18 years of age or attending a post secondary institution, by the student him/herself.
14. Be free of illegal intrusion upon his/her person or property by school personnel and/or police agencies.

15. Be given ways to express and solve problems that cannot be solved by informal discussion.
16. Be respected as an individual, free from discriminatory practices, entitled to his/her personal dignity and integrity.
17. To have an accurate record which represents his/her school performance.
18. Take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, gender or sexual orientation or sex.
19. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
20. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
21. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct,
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and school 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 events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report fairly any circumstances surrounding school related issues.
13. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.

IV. Essential Partners

Parents, teachers, administrators and other school employees share the responsibility of developing positive student behavior. When adults are clear in their expectations, children respond by meeting their responsibilities. Administrators and teachers will continue to work with students to correct behaviors not conducive to a positive school environment.

A. Parents

The parents play a key role in the establishment of a positive school environment. When parents maintain a positive environment with firm guidelines, their children will approach their school experience with an understanding of expectations, which stress respect of the rights of others and positive, appropriate behavior.

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time and that absences are excused.
4. Monitor children for appropriate dress, and grooming in a manner consistent with the student dress code.
5. Help their children understand that appropriate rules are required to maintain a safe, positive environment where cooperation and collaboration is possible.
6. Know school rules and help their children understand them.
7. Convey to their children a supportive attitude toward education and the district.
8. Build good relationships with teachers.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect the student's well being.
11. Provide a place for study and ensure homework assignments are completed to the best of their ability.
12. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Teachers

Teachers play a key role in the maintenance of a positive classroom and school atmosphere. First, by their own example teachers provide models of exemplary school and community citizenship. Next, they have the responsibility for establishing and maintaining positive, effective and consistent classroom management techniques, which result in engaging and motivating students.

The teacher will work in cooperation with the principal, school counselors, psychologist, or other school personnel, to develop appropriate strategies for addressing the student's needs. In cases where discipline must be handled beyond the classroom, the teacher will complete a misconduct report, which describes the inappropriate behavior. This "reported offense" will be forwarded to the school principal or his/her designee. Copies of this report and the record of the action taken are sent to the parent and stored in the student file, physical or digital.

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-concept and promote confidence to learn. Demonstrate a love for the teaching profession, and concern for student growth and achievement.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
4. Communicate regularly with students, parents and other teachers concerning growth and achievement.
5. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

C. Guidance Counselors and/or Social Workers

All guidance counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and school programs.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of

appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Principals

The principal is the person ultimately responsible for all the activities that occur in and around the school building. It is his/her leadership and degree of concern that sets the tone of the school.

The principal has the responsibility of receiving and acting upon disciplinary reports submitted by staff members. The principal may delegate the authority for disciplinary actions other than suspensions to other appropriate staff members. In order that principal/designee may reach a decision it will become necessary for him/her to gather facts from the teacher submitting the report, from the student or from other individuals that he/she deems appropriate. Upon gathering relevant information the principal/designee will determine an appropriate course of action based on the disciplinary measures outlined in the code.

The principal or his/her designee will be guided by the provisions of the Code, as well as by his/her professional judgment, in reaching a determination of an appropriate disciplinary action. The resources of the school counselors, school psychologist, and other school personnel will also be considered in setting a course of action where deemed necessary and/or appropriate by the Principal. It will be the responsibility of the principals/designees to communicate their actions to the staff member completing the report and to the student. The parent will receive notification of the report. The principal will also be responsible for the maintaining of records regarding student discipline.

All principals are expected to:

1. Promote a safe, engaging and positive school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal.
3. Evaluate on a regular basis all instructional programs and staff.
4. Support the development of and student participation in appropriate school activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

E. Support Staff

(School Psychologists, Nurse, PPS Director, OT, PT, Speech, etc.)

Support staff plays a key role in the maintenance of a positive educational atmosphere. By their own example staff members provide models of exemplary school and community citizenship. They must work closely with appropriate faculty members to assure that each student understands all rules and regulations. Support staff will work in cooperation with the principal, teachers, school counselors, psychologist, or other school personnel to develop appropriate strategies for addressing the student's needs. Where appropriate, support staff will complete a misconduct report that describes the inappropriate behavior. This "reported offense" will be forwarded to the Principal.

Support Staff are expected to:

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

F. Substitute Teachers

The standards of behavior set by the classroom teacher remain in effect when a substitute teacher is covering that teacher's classes. Argumentative and/or disruptive behavior and refusal to comply with the directives of a substitute will be considered insubordination.

G. Other School Staff

(Aides, Cleaners, Bus Drivers, etc.)

School staff is expected to:

10. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
11. Assist in promoting a safe, positive and engaging school environment.

12. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
13. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

H. Superintendent

The superintendent is expected to:

1. Promote a safe, positive and engaging school environment free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends.
4. Work to create instructional programs that maximize student growth and potential, and are sensitive to needs of the members of the learning community.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

I. Board of Education

All Trustees are expected to:

1. Collaborate with the code of conduct committee to clearly define expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's Code of Conduct to evaluate the codes effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

J. School Resource Officer

School Resource Officers promote a better understanding of our laws, why they were enacted and their benefits. They provide a visible and positive image for Law Enforcement. They serve as a confidential source of counseling to students concerning problems they face. They bring expertise into schools that will help young people make more positive choices in their lives. They also work to

protect the school environment and to maintain an atmosphere where teachers feel safe to teach and students feel safe enough to learn.

V. Student Dress Code

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

Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Be covered from mid-thigh to top of chest in non-see through material that is connected over the shoulder.
3. Ensure that underwear is completely covered with outer clothing at all times.
4. Include footwear at all times, Footwear that is a safety hazard will not be allowed. Allow the wearing of hats at the discretion of the teacher within classrooms during school hours, excusing medical and/or religious purposes.
5. Not include items that are vulgar, obscene, and libelous or denigrate others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. Not promote and/ or endorse the use of alcohol, tobacco or illegal drugs and/ or encourage other illegal or violent activities.

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

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

The dress code will be applied and upheld fairly, and without discrimination, regardless of race, ethnicity, gender (binary or non), sexual orientation, weight, or any other factor. Proper enforcement of this dress code does not include any form of public discipline or inappropriate remarks regarding a student's body and/or image.

VI. Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day in the MS/HS, they are prohibited from using them in any manner that invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyber bullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Permitted electronic devices that are permitted on school property should be kept on the person and in a concealed manner.

Teachers, administrators, support staff and all other Board personnel should exemplify and reinforce acceptable digital citizenship (including possession/use of electronic devices) and help students develop an understanding of appropriate digital conduct in the school setting.

VII. 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.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to 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 or activities affecting the school community specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others, Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

Students will be subject to disciplinary action:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct including but not limited to:
1. Running in hallways.
 2. Making disruptive noise. A good learning environment is one free from excessive and disruptive noise.
 - a. Cellular phones are not to be brought to Elementary school except with prior written permission of the principal. Non-instructional related electronic devices are also not to be brought to Elementary school because of their very nature. Such items will be

confiscated and returned at the end of the school day. In the case of repeated violations, the parent or guardian must pick up confiscated items.

- b. Electronic devices are allowed in the Elementary School classroom for instructional purposes with the permission of the classroom teacher.
 - c. Cell phones in the Middle and High School are not to be used in the school building during the school day as defined by M/H School start times and Elementary School end times. Radios, tape players, stereos, MP3 players, and similar electronic devices, are to be used only with teacher permission during the school day. Misuse of electronic devices will result in confiscation with return at the end of the day. In the case of repeated violations, the parent or guardian must pick up confiscated items.
3. Biting/Spitting.
 4. Using language or gestures that is/are profane, lewd, rude, vulgar, abusive, threatening, or disrespectful.
 5. Obstructing vehicular or pedestrian traffic, speeding or driving/parking in an unauthorized area.
 6. Engaging in any willful act that disrupts the normal operation of the school community.
 7. Trespassing. Students are not permitted in any school building or part of a school building, other than the one they regularly attend, without permission from the administrator in charge of the building, or teacher/school staff. Students are authorized to be on school grounds only during daylight hours or during a school sponsored or other authorized event. Students who are suspended out of school are not authorized to be on school grounds during the suspension period. When the school facility is closed for the night, school grounds are closed to the public. Anyone, students or otherwise, who comes onto school property at such time is subject to referral by the Board of Education to the police for trespassing charges.
 8. Misusing computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; inappropriate use of a recording device without the consent of individuals or groups, evading the District's content filter; using an outside wireless network; or any other violation of the districts acceptable use policy
 9. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
 10. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
 11. Intentionally damaging, defacing, or destroying school district property, or the personal property of a student, teacher, administrator, other district employee or any person on school property. Infractions may include littering, graffiti, arson, or other damaging actions.

Painting the bell. Students must have permission from the high school principal or their designee in order to paint the bell. Students may not deface or paint the rock beneath the bell under any circumstances. All other Code of Conduct policies must be followed, such as those relating to trespassing, school property, and graffiti.

12. Being in unauthorized areas. Students are not permitted in unauthorized areas such as a gymnasium, the tunnel, the stage area or an unattended classroom. Only one person is allowed in a bathroom stall at one time. Otherwise students will be considered to be in an unauthorized area.

B. Engage in use of items prohibited in the building or on school grounds during the school day or at school-sponsored events:

1. Hand held electronic games and/or other electronic games, laser pointers, lighters.
2. Toys of any kind brought from home and/or dangling items from backpacks, including water guns.
3. Pets unless authorized by a teacher and accompanied by an adult,
4. Food items: soda, gum, candy in the elementary school.
5. Unauthorized Cell phone use is prohibited during Middle/High school classes and possession of cell phones by students is forbidden in the elementary school at all times. Misuse of electronic devices will result in confiscation with return at the end of the day. In the case of repeated violations, the parent or guardian must pick up confiscated items.

C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:

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

D. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Interfering with the teaching or learning of other students.

E. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, biting, shoving, throwing an object, kicking, punching, and scratching) upon another student, upon a teacher, administrator, other school employee or any other person on school property or attempting to do so.
2. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical wellbeing.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.

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

1. Lying to school personnel. Lying, giving a false name, distorting facts, forging notes and similar offenses are considered unacceptable behavior.
2. Stealing the property of other students, school personnel or any other person on school property or attending a school function. This includes illegal entry into a computer file.
3. Extortion. A child knowingly coerces another individual to comply with his/her wishes.
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or

- publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
5. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
 6. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
 7. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
 8. "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
 9. Bullying, which includes a pervasive pattern of actions or statements directed at an individual or group which are intended to be intimidating, teasing, taunting or spreading rumors that cause the person or group to be socially isolated through intentional exclusion in written, physical, verbal, or electronic form.
 10. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct of a sexual nature when:
 - a. Students communicate obscene pictures or lewd jokes, make sexual advances, request sexual favors or engage in other harassing activities of a sexual nature.
 - b. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or school activity or creating an intimidating, hostile or offensive learning environment.
 11. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm,
 12. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
 13. Selling, using, purchasing or possessing obscene material.
 14. Using vulgar or abusive language, cursing or swearing.
 15. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco. Regardless of percentage of nicotine content, electronic and/or vapor based devices are prohibited.
 16. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or a substance the student believes or represents to be such alcohol or illegal substance, or being under the influence of either on school property or at a school function, including counterfeit and designer drugs, or paraphernalia for use of such drugs. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetics, synthetic cannabinoids, and any substances commonly referred to as "designer drugs."

17. Possession of drug-related paraphernalia including, but not limited to pipes, bong, vials, scales, rolling papers, pill bottles, small zip-lock bags, electronic vapor devices, etc.
18. Sales, purchase, possession, use or sharing of prescription and over-the-counter drugs.
19. Gambling including "pools" of any kind.
20. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
21. Displays of affection beyond handholding.
22. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
23. Interfering with school security protocols, including disrupting a drill or propping a locked door.

G. Off Campus Misconduct

A student may be subject to discipline for conduct that may constitute a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educative process (e.g. disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus conduct that does not involve criminality to the extent that the Superintendent of Schools and/or Board of Education reasonably believes has a nexus to the educative process, i.e., student-student, student-personnel interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities.

H. Bus Transportation Misconduct/ Bus Behavior Code

Engage in misconduct while awaiting the arrival of, departing from or riding on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting harassment, and discrimination will not be tolerated.

1. Students may not bring large packages, large projects, glass, pottery, pointed objects or live animals onto the bus. Large musical instruments (tuba, bass sax, large guitar, baritone sax, contrabassoon, string bass, bass drum, xylophone, etc.) are not allowed. These objects must be brought to school by parents.
2. At the bus stop, students must:
 - a. Stay out of the road.
 - b. Not chase the bus.
 - c. Stay away from the front and back wheels of the bus (at least 15-ft. away).
 - d. Enter or leave the bus only when the door is fully opened and the driver is present.
 - e. Cross in front of the bus (at least 15-ft. from the bus) or walk away from the bus so that the driver always knows where the student is. Students should focus on the bus

driver and cross only when he/she gives the proper signal. When the signal has been given, the student should cross, but only after confirming that the way is clear,

- f. Take turns and avoid pushing upon entering or leaving the bus. Students exit the bus starting with the front seat and going in order toward the back seats.
- g. Take their seats properly and remain in them until the bus driver arrives at their stops.

3. On the bus, students **must**:

- a. Put on their seat belts,
- b. Show respect for bus property and the property of others.
- c. Obey the bus driver at all times.
- d. Obey all health and safety rules.
- e. Keep the bus clean.

4. Students **must not**:

- a. Throw things (inside/outside).
- b. Use profane or vulgar language or display profanity or lewd acts.
- c. Light matches or smoke.
- d. Possess drugs or alcoholic beverages.
- e. Litter.
- f. Run in the aisles.
- g. Leave seat while the bus is moving.
- h. Put arms or head out of an open bus window.

5. In case of emergency:

- a. Report any trouble to the bus driver.
- b. Obey the driver's instructions.
- c. Know where the emergency exits are located.

I. Engage in any form of academic misconduct. Examples of academic misconduct include:

- 1. Plagiarism, including computer generated reports.
- 2. Cheating.
- 3. Copying.
- 4. Altering records.
- 5. Assisting another student in any of the above actions.
- 6. Any of the above actions using computer or electronic communication means or computer or electronic systems misuse.

J. Attendance

An excellent attendance record is a top priority at Haldane Central School District. The staff will make every effort to help students achieve positive and productive patterns of attendance. Frequent absences lead to serious gaps in the educational sequence and subsequent understanding for future progress. It is the responsibility of the parents/guardians to comply with New York State Education Law, which mandates that children be in attendance every day that school is in session. Please refer to the Comprehensive Attendance Plan for attendance classifications.

Parent/guardian should call the attendance office before 9 a.m. on the day the student is absent. Students are required to bring a note from home after having been absent from school UNLESS PARENT/GUARDIAN HAS CALLED THE ATTENDANCE OFFICE. This note should be presented on the day they return to school, one day late, at most. When they return to school after an absence. They should go to the attendance officer, present the excuse signed by the parent or guardian, and receive an attendance slip.

If a high school student goes home for lunch and becomes sick, a parent is to call the school before the start of afternoon classes. If the parents are out of the house, the student should call the school to explain the reason for remaining home. A note from the parent or guardian is to be presented to the attendance officer on the next attendance day.

If a student is absent from school or arrives after 10:30 a.m. Middle/High School, 11:30 a.m. Elementary or leaves school early due to an illness, he/she shall not participate in after school activities. For the case of a weekend activity, an absence or lateness from the last official school day will exclude students from participation in activities.

If a student becomes ill during the school day, he/she must report to the nurse. The nurse will contact the parent and determine if the student should remain in school for the remainder of the day. If a student leaves school due to illness, he/she must be dismissed through the nurse's office. Any student leaving school without being released through the nurse's office will be considered unexcused absent from classes missed.

If a student must leave school for a doctor's appointment, he/she must present a note to the attendance office before dismissal. Any student leaving school for an appointment without reporting to the attendance office will be considered unexcused absent from classes missed. A doctor's note must be provided upon return to school.

Absences from class and disciplinary measures:

1. Excused Absence from Class

When a student returns to school after a legal absence, he/she is to contact each teacher on the day of return. The teacher and student will establish deadlines for the completion of all work missed. If the work is not completed, a "zero" will be recorded.

2. Truancy

Absences from a full day of school that are not legal and/or without parental consent are deemed to be cases of truancy. An absence as part of a class "skip day" is illegal and it will be considered truant. Students may not receive credit for any tests/assignments that took place during the truancy.

3. Class Cuts

If a student decides not to attend a scheduled class period, it will be considered a cut. This includes study halls and I period classes. Students will not receive any credit for any tests/assignments that took place during the cut class. In the case of a student who is 10 or

more minutes late to class, the lateness will be regarded as a cut for discipline purposes and consequences will be assigned. However, students arriving late are expected to do the class assignment for that period. Three or more consecutive cuts in one day will be handled as truancy. Accumulation of class cuts will earn students these consequences:

- 1st cut—Teacher or administrative detention, documentation in database, parental notification;
 - 2nd cut—Administrative detention, documentation in database, parental notification;
 - 3rd cut—2 Administrative detentions, documentation in database, parental notification;
 - 4th —Extended detention, documentation in database, parental notification;
 - 5+ cuts—Alternative Learning Environment
- These are cumulative cuts for the entire school year.

4. Class Lateness

Teacher will record the number of times that a student is late to class including period one. If a student is less than ten minutes late to class and is unexcused, consequences will result. Accumulation of class latenesses will earn students these consequences:

- 1st late—teacher warning;
- 2nd late—teacher detention, documentation in database, parental notification;
- 3rd late—teacher detention, documentation in database, parental notification;
- 4th late—administrative detention, documentation in database, parental notification
- 5+late—Extended detention, documentation in database, parental notification.

These cumulative latenesses to class will be reset for each of the 4 quarters.

K. Driving Regulations

1. Safe speeds should always be used on school grounds. The speed limit on school property is 10 mph.
 2. Vehicles are prohibited on the emergency access road between the Mabel Merritt building and the flagpole circle (parallel to the swings).
 3. Students must park only in the designated lot. Student parking will be determined by the administration.
 4. Passengers are not to ride on the exterior of cars nor are they to hang out the windows.
 5. Excessive numbers of passengers are not to ride in a vehicle.
 6. Unsafe starts or “burning rubber” is not permitted.
 7. “Horseplay” or reckless driving is dangerous and will not be allowed.
- The general rule is safety for everyone. It is imperative that all drivers abide by these rules.

VIII. Reporting Violations

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

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

IX. Disciplinary Consequences, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent to effect positive change in student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

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

As a general rule discipline will be progressive. This means that the consequence for misconduct may increase in severity with multiple, repeated, or subsequent violations of the Code of Conduct.

If the student in question has been classified as disabled or is a student suspected of having a disability as defined by law, and the suspension will result in the student being suspended for a period of longer than ten days, the student shall be referred to the Committee on Special Education to ascertain whether the misconduct is related to a disability in accordance with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. Discipline, if warranted, shall be administered consistent with said provisions of this code and with applicable law.

A student identified as having a disability shall be disciplined for behavior related to his or her disability only to the extent permitted by law, and in accordance with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

A. Consequences

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

1. Oral warning--any member of the district staff.
2. Written notification to parent-- coaches, guidance counselors, dean of students, teachers, principal, superintendent.
3. Teacher detention--teachers, dean of students, principal, superintendent.
4. Loss of cafeteria, recess, free time--aides, teacher assistants, teachers, guidance counselors, principal, superintendent.
5. Suspension from transportation--dean of students, principal, superintendent.
6. Suspension from athletic participation--coaches, athletic director, dean of students, principal, superintendent.
7. Suspension from school activities--activity director, dean of students, principal, superintendent.
8. Suspension of other privileges--dean of students, principal, superintendent.
9. Removal from classroom by teacher.
10. Alternative Learning Center--building principal, superintendent or designee.
11. Short- term (five days or less) suspension from school--principal, superintendent, Board of Education. In the absence of a building principal, the acting principal.
12. Long-term (more than five days) suspension from school-- superintendent, Board of Education.
13. Permanent suspension from school--superintendent, Board of Education,
14. Administrative detention—dean of students, principal, superintendent.
15. Social Suspension—dean of students, principal, superintendent.
16. Extended detention—dean of students, principal, superintendent.

B. Other Interventions

1. Parent Conference
2. Mediation/Counseling

C. Procedures

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

D. Definitions

The Code of Conduct defines various areas of student involvement or behavior. It is understood that the administration has the prerogative of exceeding any of the consequences specified in the code depending on the seriousness of the situation or reducing the consequence specified in the code depending upon mitigating circumstances. A record will be kept of a student's infractions and the disciplinary measures incurred. Subsequent infractions of the same regulation will incur more severe consequences.

Detention

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

1. Elementary Recess Detention

Depending on the seriousness of the situation, teachers, principals, and the Superintendent may use recess detention as a consequence for student misconduct. Parents will be notified when recess detention has been assigned.

2. Teacher Detention

A quiet study hall supervised by a staff member. Detentions can be held prior to the beginning of school, after the school day, or during lunch at the discretion of the teacher. One-day notice or parent notification is necessary except for lunch detention. Students will be afforded the opportunity to eat lunch. Students must be present at the beginning of detention period. Any student arriving after the beginning will not be allowed to enter and will be considered cutting. Transportation will be available for these detentions.

3. Administrative Detention

Administrative detention will be held after school from 3:00-4:00 PM, to allow students to attend extra help prior to the detention. The detention list is posted in the main office. A student will be notified in writing, or verbally, of the administrative detention. A concerted effort will be made to notify the parents with a phone call followed by a letter prior to the detention. Permission to be excused must be obtained from the Dean of Students or the Principal prior to the detention period. If a student cuts an administrative detention, he/she will be assigned to an extended detention. A student with a legal absence from school on the date of an assigned detention will be required to make up the time on the

next detention period. Detentions will be scheduled on the first available date according to the school calendar; student school conflicts (i.e. extracurricular activities/sports) will not be considered in the assigning of the detentions. No transportation will be provided.

4. Extended Detention

A quiet, supervised study hall will be held from 3:00-6:00 PM depending on the nature of the offense. If the extended detention is the same day as the HEART Program (an after school tutorial session), students will be allowed to attend the HEART Program to get help with their work. If a student is asked to leave the HEART Program after being afforded this privilege, they will no longer be eligible to attend the HEART Program. These will be held as scheduled and students will be assigned on the first available date. If a student misses an extended detention, or is removed because of disciplinary reasons, the student will be assigned a one day in school suspension. In all cases, students are required to make up the extended detention. Students who repeatedly fail to serve extended detentions will face suspension. If a student misses extended detention due to a legal absence, the extended detention will be rescheduled on the next available date. An extended detention that is not served within one week of the originally scheduled date will be served as a day in the Alternative Learning Environment. Parents will be notified of this extended detention. No transportation will be provided.

5. Alternative Learning Environment

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

A student subjected to the Alternative Learning Environment is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the sentence to the Alternative Learning Environment to discuss the conduct and the consequence involved.

Students assigned to the Alternative Learning Environment will work in a supervised area and will be provided with an opportunity for instruction and assignments to complete throughout the school day. Students who are assigned to the Alternative Learning Environment will not be permitted to resume their regular schedule until the day has been served. Students removed from the Alternative Learning Environment for disciplinary reasons will receive an additional day of the Alternative Learning Environment. Any student who disrupts the Alternative Learning Environment or interferes with its progress will be assigned one day in the Alternative Learning Environment. Students who serve a day in the Alternative Learning Environment will not be allowed to participate in any extracurricular activities on the same day.

6. Social Suspension

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

Social suspension is defined as the removal from co-curricular and extracurricular activities including but not limited to proms, dances, non-academic field trips, and sports for a specific period of time determined by the principal. Social suspension should not be confused with Ineligibility.

7. Suspension from transportation

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §32 14. However, the student and the student's parent will be provided with a reasonable opportunity for an in-formal conference with the building principal or the principal's designee to discuss the conduct and the consequence involved.

A suspension from transportation may constitute a "change in placement" for a student who has been classified as disabled, if the student's Individualized Educational Program (IEP) specifies that transportation must be provided. In such cases, transportation suspensions for misconduct related to a disability are limited to the same extent as suspensions from school under similar circumstances.

8. Teacher disciplinary removal of disruptive students.

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

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a continuing danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being

removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a continuing danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

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

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

9. Suspension from school.

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals and an acting Principal in the absence of a Building Principal.

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

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

- a. Short-term (5 days or less) suspension from school.

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference

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

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

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

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

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

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

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

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 wellbeing of other students, school personnel or any other person on school property or attending a school function,

E. Minimum Periods of Suspension

1. Students who bring a weapon to school.

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property may be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record,
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed consequence is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

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

term suspension. If the proposed consequence exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

F. Referrals

1. Counseling

All student counseling referrals will be processed by the guidance office, social worker, and/or school psychologist, and/or when possible the IST/CST.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

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

3. Juvenile Delinquents and Juvenile Offenders

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

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42). The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

X. Alternative Instruction

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

XI. Corporal Punishment

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

XII. Physical Restraint

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

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

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

XIII. Student Searches and Interrogations

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

In addition, the Board authorizes the superintendent or his/her designee, building principals and building administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the district Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices with a witness and students will be present when their possessions are being searched. No district official shall conduct a search that requires the removal of clothing other than outerwear, hats, shoes, and socks.

A. Student Lockers, Desks and other School Storage Places

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

B. Documentation of Searches

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

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

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

C. Police Involvement in Searches and Interrogations of Students

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

1. A search or an arrest warrant; or

2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials; or
4. Are in “hot pursuit” of a suspected criminal.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student’s parent to give the parent the opportunity to be present during the police questioning or search unless the police indicate that such an interview concerns a student’s parent(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.
4. They must be protected from coercion and illegal restraint.

D. Child Protective Services Investigations

Consistent with the district’s commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

XIV. Visitors to The Schools

The Board encourages parents and other district citizens to visit the district’s schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning,

however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out and return the identification badge to the same office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or community members who are participating in a classroom activity are required to arrange such visits in advance with the classroom teacher(s) and the building administrator, so that class disruption is kept to a minimum.
5. Observation by the public of a special education class may raise privacy issues related to the identity and programs of classified students. Therefore, the observation of special education programs, services, classes or activities is limited to observations by parents of their own children and observations by persons whose presence is authorized by the Committee on Special Education (CSE) or the director of special services or his or her designee. All such observations must be scheduled in advance with the building principal or his or her designee.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
9. Students are not permitted to have guests accompanying them during the school day.

XV. Public Conduct On School Property

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

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

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

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 on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school functions.
4. Distribute or wear materials on school grounds or at school functions or activities that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles:
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function or activity.
10. Use tobacco in or on any building, structure, or school property including the surrounding outdoor grounds as defined by NY State public health law 1399-N.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
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.

B. Consequences

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function or activity 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. Employee discipline will be consistent with the terms of any applicable collective bargaining agreement.

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. Employee discipline will be consistent with the terms of any applicable collective bargaining agreement.

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. Employee discipline will be consistent with the terms of any applicable collective bargaining agreement.

C. Enforcement

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

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

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

XVI. Dissemination and Review

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct by:

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

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

The Board of Education will review this Code of Conduct every year. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

The Code of Conduct Committee will convene a minimum of two times during the school year to review the Code of Conduct and to make recommendations for additions and revisions to the Code.

Final additions and revisions to the Code of Conduct must be submitted to the Superintendent of Schools for such changes to be considered and adopted by the Board of Education for the following school year. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

XVII. Discipline of Students With Disabilities

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply:

“Program” means all services required under the student’s Individualized Education Program (IEP), including but not limited to academic activities and support, therapies, counseling, and transportation.

A “suspension means a suspension pursuant to Education Law § 3214.

A ‘removal’ means a removal for disciplinary reasons from the student’s current educational program other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others, or placement in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.

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

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

- a. The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a pattern that is equivalent to a change of placement when considering the proximity of time and duration of such suspension.
- d. For the purposes of imposing discipline of a student with a disability, the superintendent may order the placement of a student with a disability or an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

(1) The term “Weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2-1/2 inches in length.

(2) “Controlled substance” means drugs or other substances identified under schedules set forth in applicable Federal law provisions.

(3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

(4) The term “serious bodily injury” means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer (IHO) may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if the IHO: a. determines that the District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others; b. considers the appropriateness of the student’s current placement; c. considers whether the District has made reasonable efforts to minimize the risk of harm in the student’s current placement, including the use of supplemental aids and services; and d. determines that the IAES proposed by the District personnel meets the requirements of federal law.

B. Change of placement rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the similarity of the student’s behavior in previous incidents, the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

3. 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 manifestation team has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances or behavior involving serious bodily injury.

A student who is the subject of a disciplinary change in placement will be provided with such special education and related services that are determined by the Committee on Special Education (CSE) to be necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in his or her Individualized Education Program (IEP) for the duration of the suspension or removal.

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

1. The district’s Committee on Special Education (CSE) shall:

a. Conduct functional behavioral assessments as appropriate to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances or serious bodily injury. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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

b. A manifestation team shall 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 serious bodily injury or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

i. a manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District.

ii. The manifestation team shall review all relevant information in the student's file, including the student's IEP, and teacher observation and any relevant information provided by the parents to determine if the conduct in question: 1. was caused by or had a direct relationship to the student's disability; or 2. was the direct result of the District's failure to implement the IEP.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. The district shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred: 1. The parent of such student has expressed concern in writing to the Superintendent or administrative personnel or to a teacher that the student is in need of special education; however, the expression may be oral if the parent does not know how to read or write or has a disability that prevents a written statement; or 2. the parent of the student has requested an evaluation of the student; or 3. A teacher has referred that student to the CSE; or 4. A teacher of the student, or other personnel of the District has expressed specific concerns about a pattern or behavior

demonstrated by the student, directly to the District's Director of Special Education or to other supervisory personnel of the district.

c. A student will not be considered a student presumed to have a disability for disciplinary purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either: 1. conducted an individual evaluation and determined that the student is not a student with a disability, or 2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

d. A student is not a student presumed to have a disability for discipline purposes if the parent: 1. has not allowed an evaluation of the student; or 2. has refused special education services.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

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

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a consequence phase in accordance with the procedures set forth in the Commissioners regulations incorporated into this code,

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the manifestation team has determined that the behavior is not a manifestation of the students disability or the behavior involves weapons, illegal drugs, controlled substances or serious bodily injury.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided with a Free Appropriate Public Education (FAPE) as required by federal and state law and the Commissioners regulations incorporated into this code.

D. Expedited due process hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement pursuant to a disciplinary suspension or removal, including but not limited to any decision to place the student in an IAES.

1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances or serious bodily injury, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement or judicial authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The superintendent may transmit copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported only to the extent that transmission is permitted by FERPA.

F. Declassified Students

In accordance with the law, the manifestation team must conduct a manifestation determination in the case of a student with an educational disability who has been subject to discipline within two years from the CSE's declassification determination if the disciplinary matter involves behavioral problems.

G. Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter “§504”) or Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 committee”) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability. 1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The record of the discipline imposed to date shall be expunged. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis. 2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers. 3. Students with a recognized 504/ADA disability or who are currently using or in possession of alcohol or drugs may be disciplined regardless of their disability status in the same manner and to the extent as their non-disabled peers.

XVIII. COMPREHENSIVE ATTENDANCE PLAN

OVERALL GOALS OF A PUPIL ATTENDANCE SYSTEM

All schools should systematically be able to record and document the attendance of every student. This document emphasizes the following goals:

- Ensure the maintenance of an adequate record verifying the attendance of all children
- Establish a practical mechanism for the school district to account to parents of all children enrolled at Haldane the whereabouts of their children throughout each school day
- Ensure sufficient pupil attendance at all scheduled periods of instruction and supervised study activities so that students succeed
- State Mandate
- Federal Mandate

PURPOSE OF THE COMPREHENSIVE ATTENDANCE POLICY

The purpose of the policy is to ensure that the district can maintain adequate attendance records on all students. More specifically, the plan will build capacity

- To inform students and parents of the consequences of unexcused absences
- To be able to track students throughout the day
- To be able to inform parents
- To identify patterns of behavior that may require school/parental attention
- To maximize student achievement

REQUIRED ELEMENTS OF THE COMPREHENSIVE ATTENDANCE PLAN

STATEMENT OF LOCAL OBJECTIVES

The Haldane Central School District believes that maintaining adequate student records is critical to its educational mission. In addition, the basis for a sound plan begins with these fundamental premises:

- The best way to learn is to be in school
- Parents must share responsibility in this process
- Faculty and staff must be familiar with the plan

Accordingly, the District adopts this policy to ensure that effective strategies are in place to maximize pupil attendance at all scheduled periods of actual instruction or supervised study activities, so that the District's students have the greatest opportunity to succeed. Furthermore, the District will strive to identify patterns of absence, tardiness and early departures from school, and in identifying such patterns, to intervene in a manner that will encourage student attendance and discourage unexcused absences.

DESCRIPTION OF STRATEGIES TO MEET OBJECTIVES

The following incentives will be utilized to encourage attendance and to meet the objectives that are illustrated in this policy:

1. Parents will receive a plain language summary of this policy by mail at the start of the school year.
2. Key components of the attendance policy will be included in the "Code of Conduct Summary" and reviewed with students at the start of the school year;
3. The school newsletters and publications will include periodic reminders of the components of this policy. It will be posted on the website.
4. The district will provide a copy of the attendance policy and any amendments to faculty and staff. New staff will receive a copy upon their employment;
5. Copies of this policy will also be available to any community member, upon request.

ATTENDANCE CLASSIFICATIONS

Student absences, tardiness, and early departures from class or school are classified as excused or unexcused. The following chart will be consistent for the elementary, middle, and high schools.

Full Day Absences

Students who are absent from school shall be denied the privilege of participating in extracurricular events. Students who are absent from school also run the risk of being denied entrance to extracurricular events. The building principal may grant an exception under certain circumstances.

Excused absences, tardiness, and early departures are attributed to one of the following causes and must be accompanied with written confirmation as specified below:

ATTENDANCE

Excused/Unexcused	Code	Description	Presence
Unexcused	A	Absent	Absent
Unexcused	T	Tardy	Present
Unexcused	U	Unexcused Absence	Absent
Excused	EX	Excused Absence	Absent
Excused	S	Illness	Absent
Excused	TE	Tardy Excused	Present
Unexcused	UT	Unexcused Tardy	Present
Unexcused	UU	Unexcused tardiness/early departure	Present
Excused	SE	School Excused	Absent
Excused	FT	Field Trip	Present
Excused	ET	Excused Student Illness	Present
Excused	M	Medical	Absent
Excused	MT	Medical Tardy	Present
Excused	W	Impassable Roads or Weather	Absent
Excused	F	Family Illness/Funeral	Absent
Excused	R	Religious Observance	Absent
Excused	IS	In-School Suspension	Present
Unexcused	OS	Out-of-School Suspension	Absent
Excused	HI	Home Instruction	Present
Unexcused	C	Cut Class	Absent
Unexcused	TR	Truant	Absent
Unexcused	VA	Vacation	Absent
Excused	AP	Alternate Placement	Present
Excused	CW	Cooperative Work	Present
Excused	CV	College Visit	Absent
Excused	CA	Court Appearance	Absent

For all schools, the building principal shall have the discretion to designate an absence, late arrival or early departure as “excused” if the cause of the absence is not among those enumerated in this section, upon determination that the absence was unavoidable and/or otherwise not the fault of the student or the student’s parent(s)/legal guardian(s).

DESCRIPTION OF INCENTIVES TO BE USED

Haldane School District values the habit of good attendance. It is a habit that lays the foundation for success in school and in the world of work. Students with perfect attendance will be awarded a certificate at the end of the school year.

A DESCRIPTION OF PARENT NOTIFICATION

Absence is considered daily, for Middle and High School it is per individual class.

The following procedures will be followed in order to notify parents of absences:

- a. phone call will be made on each absence, unless the parent calls;
- b. after the fifth absence, a notification letter will be mailed to parents.
- c. after the 10th absence, a letter will be mailed home to parents and a parent meeting will be scheduled with the building administrator or designee. Ongoing monitoring will take place.
- d. after the 20th absence, a notification letter will be mailed home and a parent will meet with the building administrator. Child Protective Services (CPS) may be notified if the building administrator and building team deem appropriate.

These absences are cumulative over the course of the year.

A DESCRIPTION OF SANCTIONS TO BE USED

Unexcused absences, tardiness, and early departures will result in disciplinary action consistent with the district's Code of Conduct. These penalties may include, for example, detention or alternative learning environment.

In addition, designated staff member(s) will contact the student's parents and the student's guidance counselor. Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of unexcused absences, tardiness, and early departures, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.

INCOMPLETE GRADES

If a secondary student (grades 6-12) reaches 6 excused absences (per class) during a quarter, the teacher will have the option of issuing an incomplete grade for that marking period. The student will be provided an opportunity to make-up missed work in order to be awarded a passing grade for the quarter. The student will be given two weeks from the end of the quarter to make up missed work in order to receive a passing grade.

IDENTIFICATION OF THE PERSON TO REVIEW ATTENDANCE RECORDS AND TO INITIATE ACTION

The building principal or his/her designee will be responsible for reviewing pupil attendance records and initiating appropriate actions.

Records will be maintained by the attendance clerks for the school district (K-12). These clerks will also be responsible for recording daily attendance as reported to them by individual classroom teachers.