

# **CODE OF CONDUCT**

**FOR THE**

**RED CREEK CENTRAL SCHOOL DISTRICT**

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*In compliance with  
Chapter 181 of the Laws of 2000*

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## DEFINITIONS

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

**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).

**School Function** means a school sponsored extracurricular event or activity (Education law Section 11[2]).

**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 Sections 211[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]).

**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]).

# CODE OF CONDUCT

The Code of Conduct shall include, but is not limited to:

Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including school functions; and conduct, dress and language deemed unacceptable and inappropriate on school property.

## PUBLIC CONDUCT ON SCHOOL PROPERTY

### Maintenance of Public Order

The Board of Education of the Red Creek Central School District, pursuant to Section 2801 of the Education Law, does hereby adopt the following rules and regulations to provide for the maintenance of public order on the property of said school district and to provide for the enforcement thereof.

#### Applicability

These rules and regulations shall apply to all persons upon the real or personal property of the Red Creek Central School District including, but not limited to, students, employees of the school district and any other individuals on school district owned or controlled premises. The superintendent, or designee, may request individuals who do not comply with school rules to vacate the school premises. Law enforcement will be called for individuals who refuse the request to vacate the premises.

#### Violations

The Board of Education of the Red Creek Central School District hereby declares that the commission of any of the following constitutes improper and prohibited conduct by any persons while upon the property of said school district:

- Willful obstruction or disruption of teaching, research, administration, disciplinary procedures or other school district activities, including the school district's public service functions, or of other authorized activities on school district owned or controlled property.
- Physical abuse, the infliction of personal injury or unlawful detention of any person on school district property.
- Illegal or unauthorized possession, use or sale of firearms or other dangerous weapons.
- Illegal or unauthorized possession, use, sale or other disposition of any items or substances which are declared illegal by the laws of the State of New York.
- Damage to or conversion of personal property or real property within school district owned or controlled premises.
- Willful interference with the free flow of pedestrian or vehicular traffic on school district owned or controlled premises.
- Entry upon or use of school district facilities or property without authorization in those cases where said facilities or property are restricted in entry or use.
- Violations of regulations governing the use of school district facilities or property.
- General distribution or dissemination of printed, written, recorded, or other materials without the prior approval of the building principal or his designee. The granting of approval or the refusal to grant the same, shall be determined in accordance with administrative guidelines or the distribution and dissemination of materials on school owned or controlled premises. Nothing here shall be construed to violate a person's constitutional rights to free speech or assembly.
- Failure to comply with the lawful directions of school district employees or law enforcement officers acting in performance of their duties.
- Soliciting, commanding, aiding or otherwise abetting any person with any act or conduct prescribed by these rules and regulations.
- Possession, use, sale or other disposition of illegal substances.
- Operation of motor vehicles, including, but not limited to, snowmobiles, motor bikes, go-carts, motor scooters, and other similar vehicles propelled by a gasoline, diesel oil, fossil fuel or electric power engine, on all property now or hereafter owned by the District. **This prohibition shall not apply to:**
  1. Motor vehicles as defined by the New York State Vehicle & Traffic Law (except snowmobiles, motor bikes, go-carts, motor scooters and other similar vehicles) which are (I)

licensed by the Dept. of Motor Vehicles of the State of New York; (ii) insured under the mandatory provisions of the Vehicle & Traffic Law; and (iii) lawfully operated on driveways or parking fields accessory to any school, installation, or facility under the jurisdiction of the District, or;

2. Motor vehicles which are operated on other portions of District property for the purpose of conducting business or performing services for District purposes.

3. No motor vehicle shall be operated on District property at a speed in excess of fifteen (15) miles per hour.

- Commission of omission of any act which is in violation of any State, Federal or Local Law, rule or regulation.
- Hazing/Bullying - (Any action or situation which recklessly and intentionally endangers the mental or physical health of a student).
- While on school property or at school functions it is required that everyone be respectful of and to each other.
- Smoking or use of tobacco products is prohibited on school property. This includes the use of vapes and e-cigarettes.
- Skateboarding on school property (as per policy).
- Failure to comply with Board of Education policy.
- No animals allowed on school grounds or at school functions unless with prior permission from school administration.
- Alcohol or use of alcohol is prohibited on school property or at any school event.

## **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 main office upon arrival at the school. All visitors must show proper identification (i.e. driver's license, picture ID, etc.). There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building. All visitors must sign out when 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 citizens who wish to visit or observe a classroom while school is in session are required to arrange such visits in advance with the building administrator so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **Bill of Student Rights and Responsibilities**

The Red Creek Central School District offers free public education to all school age students in the district regardless of race, sex, national origin or handicapping conditions.

As members of the school community, students are entitled to certain rights that are defined for their awareness and protection. Students also have certain responsibilities to themselves, to fellow students, to their teachers and to other school personnel.

However, the student's prime responsibility is recognized as being the personal advancement of their education and career goals within a framework that is civically responsible and socially appropriate.

Equally significant is the fact that others, including parents, teachers, counselors, administrators, other district employees and the Board of Education have a responsibility to students in the acquisition of their educational development and in providing for their personal safety.

The shared responsibility is the basis for a strong commitment to provide a reasonable and responsive educational program that will prepare students for a future that is appropriate both for their interest and aptitude, and for the needs of the society in which they live.

It shall further be the policy of the Red Creek Central School District to provide early intervention in dealing with behavioral issues by screening for causative elements and factors; and by then providing corrective measures to bring about positive change.

It is important that all partners in the educational community become familiar with the adopted policies and regulations of the district that are designed to promote and provide a proper and meaningful educational experience for the students of the Red Creek Central School District.

## **Students' Rights**

1. Students have the right to attend school in the district in which one's parent or legal guardian resides.
2. Students have the right to expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
3. Students have the right to pursue an education in an atmosphere that is safe and conducive to learning, and to achieve all that they are capable of achieving.
4. Students have the right to enroll in courses of study for which they are qualified.
5. Students have the right to be respected as individuals.
6. Students have the right to procedural due process guaranteed by the United States Constitution and New York Education Law.
7. Students have the right to freedom of speech and freedom of expression to the degree that the exercise of their freedom does not interfere with the educational process or infringe upon the rights of others.
8. Students shall have equal opportunity in their pursuit of curriculum offerings, athletics and extra curricular activities.
9. Students have the right to make recommendations through the student government regarding school rules, school regulations or issues pertaining to student organizations.
10. Students have the right to take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
11. Students have the right to have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
12. Students have the right 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.
13. Students have the right to a drug-free environment and/or atmosphere.

## **Student Responsibilities**

It is the responsibility of the students to:

1. Attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
2. Conduct themselves with respect toward self, fellow students, teachers and others.
3. Strive to achieve to their fullest potential in all areas.
4. Follow all reasonable directives of the school staff.
5. Strive to fulfill all classroom obligations to teachers.
6. Demonstrate respect for school property and for the property of others.
7. Demonstrate appropriate conduct and a positive attitude in school activities.
8. Dress in a clean, safe and presentable manner.
9. Report threats or incidents to a school employee relative to the safety of the school, including possessions of weapons.
10. When a student is in violation of the code of conduct, the student is responsible to report the violation to a school employee. Students have a responsibility to be honest and forthcoming with information when questioned by school employees.
11. 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.

12. Review the Code of Conduct in its entirety.

## **Role of the Parent**

It is the responsibility of the parent to:

1. Recognize that the primary responsibility for a child's welfare and development rests with the parent.
2. Teach the child by word and example, respect for law and authority.
3. Encourage the child to learn and respect the rights of others.
4. Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy. Ensure that children attend school regularly and on time. Ensure absences are excused.
5. Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the Code of Conduct.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Work with schools to maintain open and respectful communication.
8. Help their children deal effectively with peer pressure.
9. Inform school officials of changes in the home situation that may affect student conduct or performance.
10. Provide a place for student and ensure homework assignments are completed.
11. Become familiar with handbooks provided at each building.
12. Provide guidance for the child to develop socially appropriate standards of conduct and behavior.
13. Strive to maintain the child in good physical, mental and emotional health.
14. Require the child to dress in a clean, safe and presentable manner.
15. Seek involvement in the child's school, its teachers, programs and activities; as well as to attend parent conferences and school functions.
16. 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.
17. Review the Code of Conduct in its entirety.

## **Role of the Teacher**

It is the responsibility of the teacher 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, with an understanding or appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Demonstrate, by word and action, respect for law and order and self-discipline.
5. Provide students with direction and guidance that will assist them in thinking, reasoning and in being responsible for their actions.
6. Keep students and parents informed regarding student development and progress.
7. Treat students as individuals.
8. Communicate to students and parents: course objectives and requirements, marking/grading procedures, assignment deadlines, expectation for students, classroom discipline plan.
9. Communicate regularly with students, parents and other teachers concerning growth and achievement.
10. Involve him/herself in the development of school rules and regulations regarding student conduct, and to require the appropriate student observance of the rules and regulations.
11. Be consistent, fair and firm in dealing with students both in and out of the classroom.
12. Reinforce positive student behavior.
13. Seek appropriate resources to bring about positive change in student behavior.

14. Continue to grow professionally.
15. Inform students and parents regarding curriculum at various grade levels.
16. 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.
17. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
18. 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.
19. Review the Code of Conduct in its entirety.

### **Role of School Counselors**

It is the responsibility of school counselors to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriate document teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with the students their educational progress, career plans and graduation requirements.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Coordinate Intervention Support Services, as needed, with student, parent, building principal, and teachers.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strength students' self-image and promote confidence to learn.
8. Report incidents or 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.
9. Review the Code of Conduct in its entirety.

### **Role of Student Support Service Personnel**

It is the responsibility of Support Service Personnel to:

1. Support education and academic goals
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
7. Regularly review with students their education progress and career plan.
8. Provide information to assist students with career planning.
9. Encourage students to benefit from the curriculum and extra-curricular programs.
10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/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.
11. 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.

12. Review the Code of Conduct in its entirety.

### **Role of Other School Staff (including volunteers)**

It is the responsibility of school staff to:

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/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.
6. 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.
7. Review the Code of Conduct in its entirety.

### **Role of the School Resource Officer**

It is the responsibility of school resource officer to:

- a. Respect and protect the rights of individuals and perform their work and services with honesty, zeal, courage, discretion, fidelity and sound judgment.
- b. Instruct students in conflict resolution, crime awareness, and anger management.
- c. Present educational programs (i.e. technology and crime, drug related behaviors, crime awareness) annually to school employees, parents, and school board members.
- d. Provide a police presence in the School District in order to promote and provide an atmosphere of enhanced school safety for faculty, staff, students and school visitors.
- e. Provide a Law Enforcement resource to students, teachers, school administrators and parents so as to:
  - Increase student awareness about personal safety, crime prevention, internet safety, conflict resolution, violence prevention, restorative justice, peer mediation, other related topics through formal and informal instructional strategies.
  - Increase school faculty and staff awareness about policies and procedures for preventing/responding to incidents of violence and other threats to school safety.
- f. Build relationships by being a liaison between the Wayne County Sheriff's Office and the District and act as liaison with police and other emergency personnel.
- g. Present evaluations regarding crime and disorder problems and gang and drug activities occurring in and around the school.
- h. Advise the District's administration of any circumstances or situation that may create any potential harm to persons, or damage to, or loss of property.
- i. Assist the schools with security concerns and recommend changes to enhance security.
- j. Assist in preparation of response plans and respond to criminal activity in and around the school (as per the Safe Schools Against Violence in Education Act).
- k. Assist the District in meeting requirements mandated by New York State Law.

- l. When feasible and requested to do so by District's officials, and in a manner which does not infringe upon individuals' Constitutional rights, screen persons entering the building or school grounds.
- m. Question any individual not having appropriate identification to ascertain his/her status.
- n. The SRO shall not enforce school rules or policies or act as a school disciplinarian. Matters of school discipline shall be referred to the appropriate building principal.

### **Role of the Building Principal**

It is the responsibility of the Building Principal to:

1. Provide an environment that is conducive to learning.
2. Exercise the authority delegated by the Superintendent of Schools.
3. Be consistent, fair and firm in making decisions that affect students, staff and parents.
4. Demonstrate, by word and example, respect for law and order, self-discipline, and a sincere concern for all persons under his/her authority.
5. Develop reasonable and effective class schedules and teaching assignments for students and staff.
6. Set up and maintain open lines of communication with students, staff and parents.'
7. Become involved with students by attending and supervising school activities, and by visiting classrooms.
8. Work with students, teachers, counselors, and parents to establish cooperative techniques for bringing about positive student behavior.
9. Provide for the clear dissemination of rules and regulations to students, staff and parents.
10. Provide students and staff the rights of due process and equal protection that are guaranteed under the law.
11. Implement Board of Education policy.
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 practices, 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. 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.
14. Review the Code of Conduct in its entirety.

### **Role of the Superintendent and the Board of Education**

It is the responsibility of the Superintendent and the Board of Education to:

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Employ and maintain a skilled and responsive staff at all levels.
3. Provide a program of instruction to help meet the needs of all students.
4. Enforce discipline in accordance with district policies and New York State Law.
5. Provide for an ongoing assessment of programs and facilities to determine their effectiveness.
6. Be fair and consistent in rendering decisions regarding students whose behavior problems have been referred or appealed to the Superintendent of Schools or the Board of Education.
7. Provide for the in-service training of staff and regular substitutes.
8. 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.
9. Review the Code of Conduct in its entirety.

## STUDENT CONDUCT SECTION

### **Dress code:**

The overriding factors governing student dress are safety, modesty, cleanliness and decency. Using these criteria, the Code of Conduct Review Committee, Administration, and the Board of Education have agreed on these guidelines:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Ensure that underwear/undergarments are completely covered with outer clothing.
3. No wearing of hats, head coverings, bandanas, skullcaps, stockings or sweatshirt hoods, etc., except upon entering or exiting the building or for medical or religious purposes.
4. No items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, sexual orientation or disability, and accessories that could be used as weapons (chains, handcuffs, spikes, sharp objects, or items with studs such as belts, collars, etc.)
5. No promoting, advertising, and/or endorsing the use of alcohol, tobacco, or illegal drugs and/or encouraging other illegal or violent activities.
6. No bare midriffs.
7. Shorts, skirts, and dresses shall not be shorter than student's fingertip length with arms at side.
8. Clothing or footwear that is unsafe for the school setting and/or excessively tattered clothing is not allowed.
9. Book bags, tote bags, purses, etc. must be kept in lockers in the school.

Each building principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revision to the dress code made during the school year. The building principal will determine if the student's clothing is in accordance with the above dress code.

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, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

### **Illustrations of Prohibited Student Conduct**

The following actions are deemed to be inappropriate student conduct:

**ACADEMIC DISHONESTY:** To dishonestly acquire and/or disseminate information, answers, unearned marks or credits, including the unauthorized or improper use of artificial intelligence to aid in the completion of academic assignments (see handbook for further clarification).

**ARSON:** The intentional destruction or other damage by fire, explosion or smoke to real property or personal property of the school district, to personal property of other students or staff, or to the personal property of third parties while situated on school district premises.

**ASSAULT:** The intent to cause physical injury to another person, causing such injury, or recklessly causing physical injury to another person.

**BOMB THREAT:** Intentional threat to safety by verbal or written means, including e-mail, etc.

**BULLYING/INTIMIDATION:** 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, including Internet bullying, texting, instant messaging, etc. DASA prohibits bullying, harassment, discrimination, or cyberbullying against students in school based on race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), or sex.

**COMPUTER MISUSE:** The use of any computer hardware and/or software in any inappropriate, fraudulent or destructive manner will not be tolerated, and will be referred to the Principal or Assistant Principal. Examples of misuse include, but are not limited to: sending out unauthorized messages,

entering a code-protected file, plagiarism, altering a software program, vandalizing hardware or software components, using another person's password, accessing inappropriate websites (pictures, writing, or other material that is sexually explicit, non-educational games, etc.). Students who misuse their computer privileges may be given detention and/or have their computer privileges suspended.

**DEFIANCE OF AUTHORITY / INSUBORDINATION:**

1. Failure to comply with any school rule, regulations, or policy (including those relating to attendance); or
2. Failure to comply with a reasonable request from school district personnel or representatives authorized to make such a request.

**DESTRUCTION OF PROPERTY:** The destruction, defacing or other impairment of school property or property belonging to other persons while on school premises or at school related activities.

**DISCRIMINATION:** Based on a person's actual or perceived race, age, sex, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, weight, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function.

**DISORDERLY CONDUCT:** A breach of order that is disruptive to the educational climate of the institution.

**DRIVING/ PARKING/ RIDING VIOLATION:** A failure to comply with driving, parking, or approved riding privileges including unauthorized driving, parking, or riding or failure to comply with traffic regulations or procedures.

**DRUG-ALCOHOL:** The possession, use, purchase, distribution, under the influence of, or sale of drugs/alcohol or copycat-type substances and/or drug paraphernalia. This includes OTC prescription drugs not registered with the nurse. Red Creek has a zero tolerance policy and violators will face suspension and/or superintendent's hearing.

**ELECTRONIC DEVICES:** The use of cell phones, personal tablets, laptops, pagers, MP3 players, electronic music devices, CD players, laser pointers, etc. is prohibited during the regular school day, except as noted below. Cell phones must be off and stored in locker during school hours. High School students are permitted to have cell phones only in the cafeteria during their assigned lunch period. The school is not liable for lost or damaged cell phones/ electronic devices. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors, including the video recording of other individuals or the dissemination of videos or images of other individuals. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass, or threaten others. This type of harassment is generally referred to as cyberbullying.

**EXTORTION:** Any intentional action which reasonably instills fear of injury to person or property.

**FALSE ALARM AND/OR THREAT:** The intentional or grossly negligent activation of a fire alarm when no threat of fire exists, or the initiation, instigation or communication to the District or any of its employees of any other claim of fire or threat when none exists.

**FIGHTING:** Combative physical contact or other violent encounter between two or more persons.

**FORGERY:** The art of fashioning and/or reproducing a document for fraudulent purposes.

**GAMBLING:** The risking of something of value upon the outcome of a contest, or change of a future contingent event, upon an agreement or understanding that one will receive something of value in the event of a certain outcome.

**GANG ACTIVITY:** Affiliation with a gang that promotes, acts, threatens illegal activities including harassment. **Gang is defined as 3 or more individuals.**

**HARASSING CONDUCT:** Includes verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

**HAZING:** Any action or situation which recklessly and intentionally endangers the mental or physical health of a student (Facebook, electronic, texting, etc.).

**INSOLENCE:** Insulting in manner, speech, email, texting, twitter, facebook, etc..

**LYING:** Intentionally misinforming a school employee or withholding information pertinent to the educational environment.

**MISCONDUCT: unacceptable or improper behavior**

**PROFANE LANGUAGE OR BEHAVIOR:** Speech or obscene gesture which, by virtue of content and/or existing circumstances, disrupts the conduct of classes, school activities, or undermines the maintenance of discipline within the school setting.

**SEXUAL HARASSMENT:** Includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit or inappropriate videos, pictures or auditory records and other verbal or physical conduct or communication of a sexual nature.

**SMOKING/USE OF TOBACCO PRODUCTS:** Possessing, using, consuming, selling, distributing or exchanging tobacco products, including cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes,

paraphernalia, as well as matches and lighters is prohibited.

**THEFT:** The unlawful taking, possession of, or control over, property belonging to the school district or another.

**THREAT OF VIOLENCE/HARASSMENT:** Threatening remarks including, but not limited to, writing, texting, email, or other social media, etc. toward another person, to annoy another person persistently, to treat another person abusively, or to affect them by means of force.

**TRUANCY:** Illegal absences from school and/or classes at times when school is in session, including leaving the classroom or school building without permission.

**WEAPONS AND EXPLOSIVES:** The use, possession, or sale of dangerous weapons or explosive devices. A weapon is defined by NYS Penal Law as any firearm, knife, or any instrument with a knife blade, billy club, sandclub, slingshot, martial arts instrument, explosive, deadly or dangerous chemical, imitation pistol, ammunition, hatchet, ax, or any object that could be used in a threat or an assault.

## **Actions Not Defined**

The Illustrations of Prohibited Student Conduct is not meant to be all-inclusive. Any student conduct not defined in this policy, but which constitutes a violation of the statutes of the State of New York or any established rule or regulation of the Red Creek Central School District or any other rule, shall also be punishable by penalty in accordance with the guidelines established in this policy.

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

Any weapons, 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. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **Guidelines for Consequences of Prohibited Student Conduct**

It is the belief of the Red Creek Central School District that inappropriate student behavior must be dealt with in a fair, firm and consistent manner. Consequences for misconduct must be appropriate for the infraction. To accommodate this philosophy of progressive discipline, the levels of acceptable consequences are defined through the following listing:

- Oral warning to student by teacher
- Oral communication by teacher to parent
- Written or oral warning from administrator to student and/or parent
- Written notification to parent
- Parent conference
- Probation
- Detention
- Restorative Practice (may include a referral to MTSS, a referral to counseling or a student apology)
- Extended Detention

- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- Exclusion from a particular class
- In-School suspension
- Involuntary transfer
- Out of School suspension
- Superintendent conference
- Superintendent's hearing (long-term suspension)
- Referral to outside agency (police, court, social services, probation, etc. as determined by staff or law)

Depending upon the nature of the violation, it is the Board's desire that student discipline be progressive, i.e., repeat violations may merit a more severe penalty than previous violations. It is also the Board's desire that an employee or agent take into account all relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

## **Immediate Law Enforcement Notification Provisions**

**Serious Violent Incident: An incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff because of an imminent threat to their safety or health, including, but not limited to, riot, hostage-taking, kidnapping and/or the use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife, or other dangerous instrument capable of causing death of serious injury.**

Law Enforcement Notification provisions, other than a Serious Violent Incident, may include instances involving illegal weapons (firearms, knives, clubs, etc.), illegal substances, serious violent threats or actions as determined by the principal.

## **TEACHER REMOVAL OF DISRUPTIVE STUDENTS**

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

A classroom teacher may remove a student from each class for up to two days on a regular schedule if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

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

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.

The teacher must complete a district-established referral form and meet with the Principal 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 referral forms. If the principal 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 his/her designee, prior to the beginning of classes on the next school day.

Within the school day after the student's removal, the Principal or Principal's designee must notify the

student's parent, in writing, that the student has been removed from the 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 and behavior modification(s) to remedy the cause 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 by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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 two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher, and principal.

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

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

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

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/her class. The Principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a 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.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office are not considered removals from class. The removal process should not become a substitute for good classroom management.

## SUSPENSION FROM SCHOOL

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, welfare of others, and/or as defined by the student handbook or determined by the principal.

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

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

suspension.

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

Suspension from school means a student is temporarily excluded from school buildings, school grounds, and any school-sponsored activities (on or off school grounds)

a. Short-term Suspension from School (5 days or fewer)

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 proposed suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions 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 Suspension from School (more than 5 days)

When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to 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 well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

#### 1. Students who bring weapons to school

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

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

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

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

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### d. Home Tutoring

For both short and long-term suspensions, a student of compulsory school age will be eligible for appropriate alternative instruction from the district, which may include home tutoring in accordance with NYSED guidelines.

## REFERRALS

### 1. Counseling

The Counseling Office shall handle all referrals of students to counseling, including the referral of students to outside agencies or counseling staff for additional counseling services. This includes the referral of students to counseling services provided by the school social worker, Delphi Rise, or Wayne Behavioral Health counselors.

### 2. MTSS

The MTSS Coordinator shall handle all referrals of students to the MTSS Tier 2 or Tier 3 team for additional interventions or supports. A teacher or parent may complete a Request for Assistance form to refer a student to the MTSS team. Upon receipt of a referral, the MTSS team will review the request for assistance, any applicable student data, and shall determine additional interventions or supports which will be made available to the student.

### 3. PINS Petitions

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

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

### 4. 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 qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42).

## DISCIPLINE OF STUDENTS WITH DISABILITIES

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required 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. If a student with a disability is assigned an In School Suspension (ISS), the administration will make provisions for a certified teacher or teaching assistant to continue the student's education program while in ISS.
2. For purposes of this section of the code of conduct, the following definitions apply.
  - A "suspension" means a suspension pursuant to Education Law §3214.
  - A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES

placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

3. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change or placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or displays misconduct relating to serious bodily injury.
    - 1) "Weapon" means the same as "dangerous weapon" under 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.
    - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    - 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
4. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspension or removals if the CSE has determined that the behavior was not a manifestations of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:

- a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitute a disciplinary change in placement.

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

- a. The superintendent, building principal, or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is not basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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

district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to law enforcement and judicial authorities**

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

1. The district may report a crime committed by a child with a disability to appropriate authorities,

- and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## SCHOOL BUS CONDUCT RULES AND REGULATIONS

The most important element of school bus transportation is the safety of students. In order to achieve a safe and efficient system, drivers must have the cooperation of all student riders. The Board of Education has established certain rules and regulations which must be obeyed in order to ensure safety. Video and audio cameras will be on school buses in order to record any violations.

1. The school bus driver is completely in charge when transporting students. All instructions given shall be followed and students will cooperate with the driver.
2. Conduct on the school bus shall be of the same high standard as expected in the classroom. All school rules in effect while in the classroom shall also apply while students are on the bus. Students shall be courteous to fellow riders and their bus driver. Such acts as fighting, punching, obscene talk or gestures, harassment, and discrimination will not be tolerated and will be cause for disciplinary action.
3. Students must be ready and on time for boarding the bus each morning. Drivers cannot wait for each student in order to maintain a strict time schedule. Drivers have been instructed not to wait for students. PLEASE BE READY!
4. Students shall wait until the bus comes to a full stop before entering the roadway to board the bus or before leaving their seat to get off the bus.
5. Students should use extreme caution when getting on or off the bus. When crossing the highway, wait for the driver to signal to do so and cross 10 feet from the front of the bus.
6. Students shall always take a seat upon boarding a bus and remain seated at all times while the bus is in motion. If a seat is not available, students should hold on to the back of a seat with both hands and face forward.
7. Bus drivers have the authority to assign seats at any time.
8. Students are to keep arms and heads inside of the bus at all times. Bus windows shall be kept shut unless permission to open them is given by the bus driver. Throwing objects out of bus windows is not tolerated.
9. Possession of illegal drugs, alcohol, and cigarettes, smoking or the use of tobacco, or taking medication by students on the school bus is strictly prohibited at all times, unless approved by the school nurse. Eating of food and drinking of beverages is not permitted on the bus as well.
10. Non-approved electronic devices, glass items, knives, and other dangerous objects are prohibited on the bus. Also, bulky items, pets and/or animals should not be brought on the bus unless with permission granted ahead of time by the principal.
11. Buses must be kept clean at all times. Each student has the duty and responsibility to see that he or she does not litter.
12. Students shall remain on the bus until it arrives at school or at home. Drivers will not let students off upon request unless a pass is obtained from the building principal for a change in riding status and given to the driver. A parent's written request is required for any change from one bus to another or for a change in pick-up or drop-off point. The request from the parent must be presented in the school office before noon on the day it is to be used.

The foregoing rules are made for the safety and benefit of all students. Unfortunately, there may be students who will not or do not abide by the rules. In the event of violations, the Board of Education has established the following discipline system:

- a) Oral warning by the Bus Driver and Head Bus Driver notification. Parent notification by bus driver, if necessary.
- b) Written referral to the Head Bus Driver. If disciplinary action or suspension is warranted, parent and Building Administrator notification.
- c) Multiple incidents will result in a parent conference with school administrator in order to determine eligibility for continued transportation.
- d) School authorities may remove a student's bus privileges at any time if the offense is serious enough to warrant such action, regardless of the number of violations. Examples include, but

- are not limited to, fighting, repeated offenses and insubordination.
- e) Exclusive of the oral warnings, parents will be notified of bus incidents and violations.
  - f) Bus drivers are allowed to deny a student the privilege of riding for one day pending investigation of conduct by the building principal and/or the Head Bus Driver. Head Bus Driver must be notified immediately by the bus driver in cases of one day student removal, and the bus driver must notify parent on the same day prior to denying the student of riding privileges.

## BUS DRILLS

To assure bus safety, the New York State Education Department requires three (3) school bus drills during each school year. The drills involve instruction by the bus driver as to methods of exit from the bus in case of accident, location and use of fire extinguishers, and location of first aid kits. Other safety factors, such as crossing, roadways, seating, behavior, as well as boarding and exiting exercises, are reviewed and conducted.

## DISSEMINATION OF CODE OF CONDUCT

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

- Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- Making copies of the Code available to all parents at the beginning of the school year.
- 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.
- Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired. Making copies of the Code available for review by students, parents and other community members. The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.
- The board of education will review this Code of Conduct every year and update it as necessary. In conducting the review, the board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.
- The board may appoint an advisory committee to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of representative of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.
- Before adopting any revisions to the Code, the board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.
- The District shall post the Code of Conduct and any amendments on the District's website. The District shall file a copy of its Code of Conduct with the Commissioner not later than 30 days after adoption.
- Building level handbooks will be made available to student at each building level and will be posted on the district website.

## **APPENDIX A : ATHLETIC TRAINING RULES**

**PHILOSOPHY:** The interscholastic athletic program is an integral part of the entire educational process in the Red Creek Central School District. Our goals are to develop a competitive athletic program and to instill quality athletic education and lifetime values. These values include sportsmanship, wellness, and high academic achievements for the development of lifetime skills, which will ensure that students/athletes become productive members of society. In addition to fulfilling building level requirements to earn athletic participation eligibility, students will be expected to meet the expectations detailed below.

**CITIZENSHIP:** It is expected that students/athletes demonstrate citizenship both in and out of the contest involved. As a representative of the school, community and family the student/athlete is to conduct themselves within appropriate standards set forth by Red Creek Central School District, Wayne County and the State of New York.

**SPORTSMANSHIP:** Sportsmanship involves appropriate respect towards coaches, fellow players, opponents, officials and spectators. Disregard for citizenship and/or sportsmanship can result in disciplinary action from the coach, athletic director, principal or superintendent dependent on the severity of the behavior.

**CODE OF CONDUCT:** The Red Creek Central School District believes that participation in extracurricular activities such as athletics is a privilege and when a student/athlete chooses to become a member of a team he/she must abide by certain rules, responsibilities, and guidelines that accompany participation in such a program. Student/ athletes will adhere to the rules set forth by the Red Creek School District, Wayne County League, Section V, and the State of New York. All policies of the Red Creek Central School District and the athletic department, including academic eligibility standards, are to be followed both on and off school property.

The consequences for violating the code of conduct will be based on the nature of the misconduct, the level of severity, and the number of times it has occurred.

**ATTENDING PRACTICES:** The New York State Public Athletic Association outlines the required number of practices needed prior to entering a scrimmage and/or contest for each sport. Each coach will set up his or her own rules on practice requirements beyond the New York State mandated requirements. Coaches will provide for students/athletes a practice schedule, practice attendance requirements, general team rules and consequences for rule violations.

To maintain the appropriate physical conditioning student/athletes under disciplinary review will continue to attend any practice or meeting associated with the sport unless otherwise directed by the principal and/or athletic director.

Student/athletes are expected to be at every practice and game. Missing practice or game may be reason for suspension from contests based upon the coach's discretion. It is suggested that potential conflicts be discussed with the coach prior to the conflict.

**QUITTING A TEAM:** If a student athlete finds a need to terminate participation on an athletic team after the roster is posted, a conference between the coach, the student, the parent, and the Athletic Director will be held. The Athletic Director will determine what is best for the student and/or the school. This could result in a continuation of participation, the dropping of the activity



without loss of eligibility, or ineligibility for up to one twelve month period.

**RETURN OF EQUIPMENT:** All school-issued equipment/uniforms must be returned to the coach of that particular sport. Failure to turn in equipment or to compensate the district will result in the inability to participate in athletics for the next sports season.

**INFRACTIONS:** The use of alcohol, tobacco (in any form), illicit drugs (marijuana, cocaine, steroids, performance-enhancing, amphetamines, hallucinogens, and all other controlled substances) is covered under the school's code of conduct. Conduct such as hazing, theft, fraud, gambling, destruction of property, vandalism, fighting, illegal or unauthorized possession, use or sale of firearms or other dangerous weapons, or illegal actions or behaviors is also covered under this code.

**PROCEDURES AND CONSEQUENCES:**

Each violation or infraction of the athletic training rules is cumulative throughout grades 7-12 or for any student/athlete participating on a Junior High, Junior Varsity, or Varsity team. The consequences, in addition to those of the school code of conduct, are as follows:

**First Offense - Step 1 (Grades 7-12)**

- Parent Notification Immediately.
- Meeting with principal, coach, athletic director, student athlete, and parent/guardian or parent representative for the purpose of reviewing incident.

Principal and/or Athletic Director will make a determination as follows:

- **Suspension of Contests** – A maximum of 20% or minimum of 10% of total scheduled contests (scrimmages are not contests). (Round fractional numbers up).
- Possible leniency within maximum and minimum guidelines for honesty and self-admissions will be considered.
- Student/athlete must practice/suit up and attend all contest and team functions unless otherwise directed by the Athletic Director or Principal.
- Possible community service
- Possible counseling
- Student/athlete may be subject up to permanent suspension from athletic activity for serious school violations as determined by a Superintendent's Hearing.

**Second Offense – Step 2 (Grades 7-12)**

- Parent Notification Immediately.
- Meeting with principal, coach, athletic director, student athlete, and parent/guardian or parent representative for the purpose of reviewing incident.

Principal and/or Athletic Director will make a determination as follows:

- **Suspension of 100% of team's scheduled contests including post season.**
- Unused percentage (%) of suspension will carry over into student/athlete's next season of participation.
- **Suspension of contests may be reduced by 50% upon student/athlete's willingness and completion of in-house assessment and counseling (see below).**
- Possible Community Service
- The student/athlete and parent(s) or guardian(s) must agree to have the student assessed for possible counseling. Additionally, student/athlete and parent/guardian must sign all releases so that results of the assessment can be forwarded to the school district for use by the Athletic Review Board. Assessment will be administered by a guidance counselor or psychologist that is on the Red Creek staff or an approved outside source. An Athletic Review Board consisting of the principal, student/athlete, parent/ guardian or parent representative, impartial coach, and athletic director to review the assessment and the student/athlete's willingness to follow the recommendations of the assessment. Dependent on the assessment and the student/athlete's progress in rehabilitation, the suspension may be reduced to 50% by the Athletic Review Board.
- Student/athlete may be subject up to permanent suspension from athletic activity for serious school violations as determined by a Superintendent's Hearing.

### **Third Offense – Step 3 (Grades 7-12)**

- Parent Notification Immediately.
- Meeting with principal, coach, athletic director, student athlete, and parent/ guardian or parent representative for the purpose of reviewing incident.
- Student/athlete may be subject up to permanent suspension from athletic activity for serious school violations as determined by a Superintendent's Hearing.

Principal and/or Athletic Director will make a determination as follows:

- **Suspension of eligibility for athletics for one year from date of violation.**
- Reinstatement for substance abuse offenses would be considered during the year of suspension after acknowledgement of successfully completing a state licensed, accredited counseling program (cost to be borne by parent). The Athletic Review Board will meet to review the assessment evaluation of the counseling program and a "No Use" contract with the student/athlete. The post-assessment evaluation will be important for consideration of reinstatement. This will be signed by all parties.
- Reinstatement for all other offenses may be considered if the equivalent counseling is completed as determined by the Athletic Review Board.

#### **Fourth Offense – Step 4 (Grades 7-12)**

- Parent Notification Immediately.
- Meeting with principal, coach, athletic director, student athlete, and parent/ guardian or parent representative for the purpose of reviewing incident.
- Student/athlete may be subject up to permanent suspension from athletic activity for serious school violations as determined by a Superintendent's Hearing.

#### **Other Behavior Rules**

Students who are assigned the following may not practice or play on that day:

- 1) Extended detention being assigned
- 2) In-school suspension.
- 3) Out-of-school suspension.

RED CREEK CENTRAL SCHOOL  
PO Box 190, South Street  
Red Creek, NY 13143  
(315) 754-2040

**ATHLETIC CREED**

I, \_\_\_\_\_, wish to participate in the athletic program provided by the Red Creek Central School. I realize that this is both an honor and a privilege.

I have read and will uphold the Athletic Training Rules. As a team member, I represent this organization and realize my conduct reflects not only myself, but my school, coach, teammates and family. I realize that being an athlete is a full-time responsibility and does not end when I leave the match or training session.

I am aware that the coaches will keep an attendance record of my involvement with this team. I understand that there will be consequences for missing practice(s) or games that will be outlined by the coach.

I will keep myself groomed in a fashion outlined by the coach. The coach will discuss with the team and myself what will be acceptable when a member of this team is representing the school and community.

I understand that participation in school athletics is a privilege that is earned only after adequate academic performance. I will prioritize my academics throughout the athletic season to ensure that I maintain appropriate performance and scores.

I understand that I am responsible for laundering my uniform and will turn it in at the end of the season in clean condition.

I realize that once I earn a position on a team, I may not switch to another sport during that season. If I quit a team, I realize that I forfeit all privileges for awards and may jeopardize my chances for future participation.

I realize that any violation of the "Athlete's Creed" will result in disciplinary action as outlined in the Athletic Training Rules and that four (4) offenses throughout grades 9-12 deem me ineligible for the remainder of my years at Red Creek.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

**TO PARENT OR GUARDIAN:**

I have read and fully understand these regulations.

I will do my best to help \_\_\_\_\_ uphold these regulations and will support the coach, Athletic Director and school when enforcement of these rules is necessary.

I realize that any violation of the "Athlete's Creed" will result in disciplinary action as outlined in the Athletic Training Rules and that four (4) offenses throughout grades 7-12 deem my child ineligible for the remainder of his/her years at Red Creek.

\_\_\_\_\_  
(Signature of Parent/Guardian)

## ATHLETIC AWARDS

1. All students/athletes who participate on a junior high team and complete this season in good standing will receive a junior high participation award.
2. All students/athletes who participate on a junior varsity team and complete the season in good standing will receive a junior varsity participation award.
3. To earn a block RC varsity letter, a student/athlete must complete the season in good standing if a member of a team sport. (soccer, basketball, baseball/softball, bowling, cheerleading, volleyball)
4. In individual sports (cross country, golf, track) the athlete must earn a required number of points as set by the coach and Athletic Director prior to the start of the season.
5. A senior may earn the block RC if he or she is a dedicated team member and has been unsuccessful in his or her senior year and previous years to earn a varsity award. This will be determined by the coach. (A senior, without previous participation may not decide to participate his or her senior year for the sole purpose of receiving a varsity award.)
6. An accumulation of six (6) varsity letters will qualify an athlete for the senior award.

## ACKNOWLEDGEMENT OF RISK

\_\_\_\_\_ has my permission to participate in  
(Student's Name)

\_\_\_\_\_ during the \_\_\_\_\_ season.  
(Name of Sport) (Year)

My child has viewed the film, Informed Consent. The purpose of this film is to make students and parents aware of the risks and injuries common to physical activity and athletic participation.

I realize there is a possibility that my child may suffer mild to severe injury, paralysis or death, as a result of participating in physical activities during physical education class, intramurals or interschool athletic competition.

\_\_\_\_\_  
Student Signature Date

\_\_\_\_\_  
Parent Signature Date