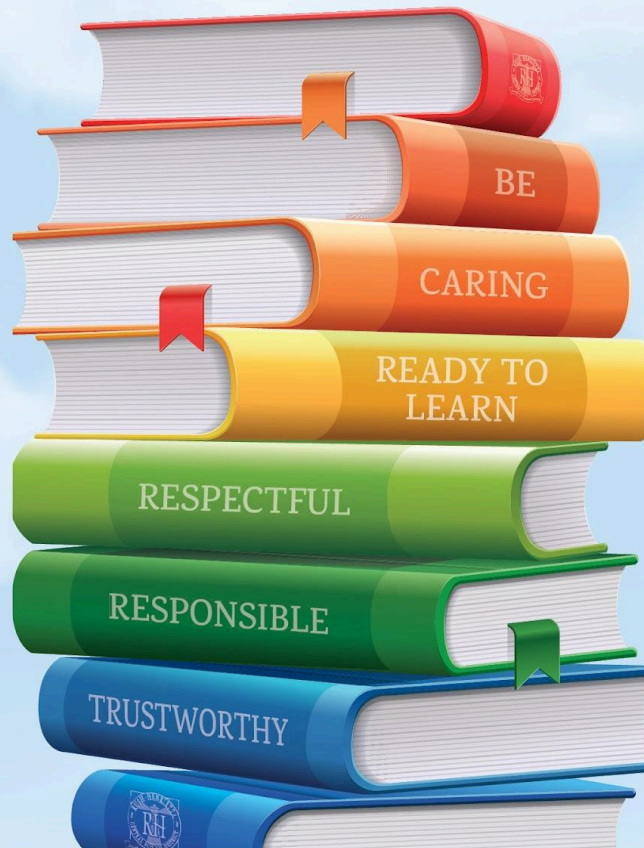




**RUSH-HENRIETTA CENTRAL SCHOOL DISTRICT**

# **CODE OF CONDUCT**

**2025-2026**



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# CODE OF CONDUCT



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## I. INTRODUCTION

The Rush-Henrietta Central School District Board of Education (“Board”) is committed to providing a safe, inclusive, equitable and orderly school environment where students may receive, and district personnel may deliver, quality educational services without disruption or interference. The school district is committed to ensuring that each student is healthy, safe, engaged, supported and challenged; helping students develop self-discipline and social and emotional growth; and guiding students in improvement and correction of inappropriate, unacceptable and unsafe behaviors. Responsible behavior by students, district employees, parents/guardians, and other visitors is expected, as it is essential to achieving this goal.

The district has a long-standing set of expectations for behavior on school property, including the school bus and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

The Board recognizes the need to clearly define these expectations for acceptable behavior on school property and at school functions; to identify the possible developmentally appropriate, graduated consequences of unacceptable behavior; and to ensure that consequences, when necessary, are administered promptly and fairly, keeping in mind that the goal is not to penalize, but to teach students that there are reasonable consequences to actions and choices.

To this end, the Board adopts this Code of Conduct (“Code”), which is based upon education laws, regulations, and Board policies.

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## II. APPLICABILITY

Unless otherwise indicated, this code applies to all students, district employees, parents/guardians and other visitors when on school property or attending a school function, wherever that function is located.

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## III. DEFINITIONS

For purposes of this code, the following definitions apply:

- A. **“Behavior”** is the way in which one acts or conducts oneself, especially toward others.
- B. **“Disruptive Student”** means an elementary or secondary student under the age of 21 who substantially interferes with the educational process or with the teacher’s authority over the classroom (§3214(2-a) (b)).
- C. **“Gender”** means actual or perceived sex and includes a person’s gender identity or expression (§11 (6)).
- D. **“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- E. **“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- F. **“Parent”** means parent, guardian, or person in parental relation to a student.

- G. **“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142; (§2801(1)).
- H. **“School Function”** means any school-sponsored extracurricular event or activity ((§2801(1)).
- I. **“Sexual orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality (§11(5)).
- J. **“Relationships”** are the way in which two or more people regard and behave toward each other.
- K. **“Respect”** is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care; being polite and using manners; expressing thoughts and opinions in ways that are polite and courteous; using a polite tone of voice and body language; listening to others who are speaking to you; keeping one’s hands to oneself and not violating others’ space.
- L. **“Responsibility”** is an obligation to behave in accordance with social norms and being held accountable for one’s actions.
- M. **“Restorative Practices”** are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed in order to reach a resolution that guides and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.
- N. **“Trauma-Informed Practices”** is the implementation of a range of practices that ensure an understanding of the impact of trauma on individuals.
- O. **“Trauma-Responsive Practices”** are used to ensure that the aftermath and the continuing impact of trauma is appropriately addressed at all levels of an organization. Trauma-responsive practices may include but are not limited to, relationship and community-building circles; social-emotional learning strategies; use of Therapeutic Crisis Intervention for Schools (TCIS); proactive and crisis intervention strategies; other whole school approaches that establish safe and supportive learning environments.
- P. **“Violent Student”** means a student under the age of 21 who:
- a. Commits an act of violence upon a school employee.
  - b. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
  - c. Possesses, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary device, or another dangerous instrument capable of causing physical injury or death.
  - d. Displays, while on school property or at a school function, what appears to be a weapon.
  - e. Threatens, while on school property or at a school function, to use a weapon.
  - f. Knowingly and intentionally damages or destroys the personal property of any school district employee or any person lawfully on school property or at a school function.
  - g. Knowingly and intentionally damages or destroys school district property.
- Q. **“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other

noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death (§3214(2-a) (3) and (4) when used to cause physical injury or death, or any instrument that appears capable of causing physical injury or death (§3214(6)).

## **IV. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights** (*District Policy Manual 5311*)

The district is committed to safeguarding the rights given to all students under state and federal law and district policy. In addition, to promote a safe, healthy, inclusive, equitable, orderly and supportive school environment, all Rush-Henrietta students have the right to:

1. Take part in all district activities on an equal basis regardless of actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity or expression), sexual orientation or disability.
2. Be respected as an individual and treated equitably and with dignity by other students and district employees.
3. Express one's opinions in a respectful manner, either verbally or in writing.
4. Present their version of relevant events to district employees when necessary.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from district employees.
6. Receive guidance in the understanding and development of self-discipline and responsibility.
7. Expect an orderly school environment that includes:
  - a. personal safety;
  - b. protection of property;
  - c. an atmosphere in which learning can take place;
  - d. an atmosphere that promotes emotional security.
8. Be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines;
  - d. School and classroom environment rules and expectations through the use of character development initiatives including social-emotional learning, PBIS, and Restorative Practices.
9. Expect that district employees will act and make decisions based on each student's best interests.

### **B. Student Responsibilities**

All Rush-Henrietta students have the responsibility to:

1. Contribute to maintaining a safe, supportive, inclusive, equitable, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help promote a school community free of violence, intimidation, bullying, harassment, and discrimination by reporting and encouraging others to report any such incidents.
3. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
4. Be in regular attendance at school and in class, and prepared to learn.
5. Be familiar with and follow district policies, rules and regulations dealing with student conduct.
6. Follow directions given by district employees in a respectful manner.

7. Work to develop skills to manage their emotions and reactions, and resolve conflict with others through the use of restorative conversations and other appropriate measures.
8. Seek help in solving problems that might lead to conflict and unsafe school behavior or environment.
9. Follow the Dress Code for school and school functions.
10. Accept responsibility for their actions and contribute to resolution.
11. Be a positive role model when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor and sportsmanship.

\* See Appendix on page 32: Student Rights and Responsibilities

## V. ESSENTIAL PARTNERS

**All members of our learning community - including students, district employees, parents/guardians and engaged service providers - must assume a responsible role in promoting behavior that enhances and helps prepare students for responsible citizenship, life-long learning, and academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community. Those responsibilities include, but are not limited to the following:**

### A. Parents/Guardians are expected to: *(District Policy Manual 1900)*

1. Recognize that the education and conduct of their child(ren) is a joint responsibility of the parents/guardians and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Ensure their children attend school regularly, on time, ready to participate and learn.
3. Ensure absences are excused and students are not taken out of school for unexcused reasons.
4. Help their children become familiar with and insist that they follow and maintain the Dress Code expectations.
5. Know school rules and help their children understand them so that their children can help maintain a safe, respectful, inclusive, equitable, and supportive school environment.
6. Promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from this approach.
7. Communicate with school and share information that may affect student conduct or performance.
8. Provide a place for study and ensure homework assignments are completed.
9. Build positive, constructive relationships with district staff, other parents/guardians and their children's friends.
10. Monitor the use of personal computers and other electronic devices, and their children's use of social media.
11. Ask for assistance from district employees to help their children deal effectively with peer pressure.
12. Be respectful and courteous to staff, other parents/guardians and students while on school grounds.

## **B. District Employees, Board of Education Members, and Volunteers**

**Employees and other community partners must understand that the Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. In addition, it provides guidance for intervening effectively and appropriately if students don't meet expected standards of behavior. All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school. Concerns about safety and school climate should be brought to school leaders/administrators so staff can work together to maintain a safe, inclusive, equitable, and orderly learning and work environment.**

### **District Employees, Board of Education Members, and Volunteers are expected to:**

1. Be aware of and address personal biases that may prevent equal treatment of all in the district, school or classroom setting.
2. 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 (including gender identity and expression) or sex, which will strengthen students' self- concept and promote confidence to learn.
3. Be prepared to fulfill all professional work responsibilities, including knowing and applying the Code of Conduct in a consistent and equitable manner, promote and implement effective strategies such as Social-Emotional Learning, Positive Behavioral Interventions & Supports (PBIS), Restorative Practices and other appropriate interventions, and district/school policies and regulations.
4. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming caring and trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
5. Maintain confidentiality in conformity with federal and state law.
6. Know district/school policies and rules, and apply them in an equitable and consistent manner.
7. Promote and maintain effective communication with all parties respective to areas of responsibility, job roles and positions.
8. Build and nurture positive relationships and community with all parties.
9. Focus on prioritizing decisions on student academic, social, and emotional well-being respective to areas of responsibility.
10. Help promote and maintain a safe, inclusive, equitable, respectful, orderly and stimulating school environment, supporting teaching and learning.
11. Serve as a role model with personal conduct that is professional, respectful, and courteous.
12. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or welfare of any student, other employee or any person who is lawfully on school property or at a school function.
13. Be open to active participation in resolving conflicts through a restorative lens/process.
14. Help promote a school community free of violence, intimidation, bullying, harassment, and discrimination. Such incidents must be reported and properly investigated in a timely manner as per the Dignity for All Students Act (DASA).
15. Identify and provide resources that support parent education around bullying and bullying prevention.

## VI. STUDENT DRESS CODE *(District Policy Manual 5311.5, 5311.6)*

We are committed to providing students with safe, respectful, effective, and relevant social cultures where successful teaching and learning are possible and problem behaviors are prevented. In Rush-Henrietta, we achieve these goals through our practice of Social-Emotional Learning (SEL), Positive Behavioral Interventions and Supports (PBIS) framework and Restorative Practices. Paying particular attention to dress requirements in the school setting is one way we can help create a safe, respectful and supportive learning environment for all.

To this end, all students are expected to dress appropriately and safely for school and school functions. Students and their families have the primary responsibility for acceptable student dress and appearance. District employees will exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. Nothing under this category shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to be disciplined for doing so.

A student's dress shall be safe, appropriate, and not disrupt or interfere with the educational process. Examples of inappropriate attire may include, but are not limited to:

- See-through garments;
- Clothing that allows undergarments to be exposed;
- Garments, accessories, or jewelry that display or suggest sexual, vulgar, drug, weapons, or alcohol-related wording or graphics, or that provoke or may tend to provoke violence or disruption in the school;
- Clothing attachments or accessories that could be considered weapons (e.g., long chains, spiked jewelry).

Dress choices must not include clothing or accessories that:

- Are vulgar, obscene, and libelous or denigrate others on account of race, color, weight, religion, creed, national origin, gender, sexual orientation or disability;
- Promote or endorse the use of alcohol, tobacco or drugs, or encourage other code of conduct violations;
- Represent or promote group affiliations, symbols, or messages that may disrupt the learning environment, create an unsafe atmosphere, or intimidate others.

Appropriate footwear must be worn at all times, including during P.E. class and/or recess. During these activities, footwear that poses a safety hazard (e.g., flip-flops, sandals, and Crocs) should not be worn.

Following the start of the regular day, head coverings are permitted only for medical, cultural, or religious purposes. However, hats, hoods, and other headgear may be permitted under clear, written rules (e.g., can only be worn during passing times and at lunch, face must not be covered) established by each building.

Each building principal or designee will be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who do not adhere to the dress code expectations may be asked to:

1. modify their appearance by covering or removing the inappropriate item.
2. replace it with an acceptable item.

Students who refuse to modify or replace inappropriate items, even after restorative practices have been implemented, may be subject to appropriate disciplinary action as outlined in the Code of Conduct.

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## **VII. PERSONAL ELECTRONIC DEVICES** *(District Policy Manual 5695)*

The Board of Education recognizes that students may have personal electronic devices that can perform different functions. Such devices include “internet-enabled devices” defined as: any smartphone, tablet, smartwatch or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications, but do not include any such device supplied by the district for educational purposes. These devices can create significant distraction to the school environment, negatively impact student mental health, contribute to disciplinary infractions, and reduce student engagement. Additionally, in an emergency, the use of personal electronic devices can distract students from following the directions of staff or emergency responders, contribute to the spread of misinformation, create congestion in the emergency response system, and interfere with the district’s emergency response protocols.

As required by Education Law §2803, this policy prohibits student use of internet-enabled devices during the school day (including all classes, homeroom periods, lunch, recess, study halls, and passing time) on school grounds (any building, structure, athletic playing field, playground, or land contained within the boundary of a school or district or BOCES facility), unless under an exception (e.g., Individualized Education Program/Section 504 or as permitted below).

### **Device Access and Storage**

1. Elementary level students (grades pre-Kindergarten - grade 6) cannot bring personal electronic devices to school including the school bus;
2. At the junior high school level (grades 7-9), students' personal electronic devices must be powered off and stored in their lockers for the entire school day; and
3. At the high school level (grades 10-12), students' personal electronic devices must be powered off and secured in lock boxes, student lockers, or a location as determined by the superintendent or their designee for the entire school day.

Students are discouraged from bringing other personal electronic devices to school. Other personal electronic devices include devices which are not capable of connecting to the internet and accessing content on the internet, fitness trackers, wired or wireless headphones and earbuds, e-readers, voice recorders, cameras and gaming/music devices. If students do bring such devices to school, the device must be stored for the entire school day, as outlined above. These devices must also be powered off and not used during the school day unless permission is granted by the classroom teacher or administrator.

*The district is not responsible for stolen, lost or damaged personal electronic devices brought to school.*

### **Communication with Parents/Persons in Parental Relation**

During the school day, to minimize distractions, parents (which, for purposes of this policy, includes persons in parental relation) may contact their children by calling the school's main office. Students may contact their parents by reporting to their administrator’s office or their counselor's office (students in grades 9-12 may also communicate with parents via e-mail). The district will notify parents in writing of the communication protocol at the beginning of each school year and upon enrollment.

### **Exceptions for Specific Purposes**

Use of internet-enabled devices must be permitted where included in a student's Individualized Education Program, Section 504 plan, or where required by law. Students with IEPs or Section 504 Plans that specifically require the use of electronic or internet-enabled devices must be permitted to use them as specified in their IEP or Section 504 Plan or as otherwise required by law. Additionally, the district permits the use of internet-enabled devices in the event of an emergency, and under the following circumstances:

- Where necessary to manage a student's healthcare (e.g., diabetes, asthma, medication, etc.);
- For translation services;
- On a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor, for students who are routinely responsible for the care and well-being of a family member; and
- Where otherwise required by law.

Parents may request an exception for their children to use internet-enabled devices during the school day as listed above. Requests must be made to the principal of the student's school. Requests for healthcare exceptions must include documentation from an appropriate healthcare professional.

Students may be permitted to use their internet-enabled devices during the school day on school grounds for specific educational purposes, if the following criteria are met:

- The student has registered the device with the district, in accordance with district procedures, which includes approval by the principal of the student's school;
- The student's teacher has obtained administrative approval to authorize the student's use of a specific device for a particular activity and for a specific duration of time (the student
- must store the device pursuant to this policy upon conclusion of the activity); and
- The student uses the device to access the internet or authorized applications through the district's network in accordance with Board Policy 4526, Computer Use in Instruction.

Under any of these exceptions, devices may only be used for the purposes outlined in the exception, and the device must be powered off and put away when not in use.

### **Enforcement, Consequences and Reporting**

Enforcement of this policy is chiefly the responsibility of building administrative staff; however, all designated employees are expected to assist in enforcement. Students will be reminded of this policy regularly and consistently, especially at the start of the school year and after returning from breaks. At each level, schools will implement progressive measures to address students in violation of this policy. This will include, but is not limited to the following:

1. a warning/reminder of the personal electronic device policy and a parent contact
2. confiscation of the device for the remainder of the day and a parent contact
3. confiscation of the device until the parent picks up the device
4. the student is not allowed to bring in a device or they must turn in the device to a building administrator each day and will receive it at the end of the day (junior high school and high school only). Building administration will determine the time frame.

The district will exercise reasonable care to maintain the security of devices that are held by the district, but cannot guarantee the devices will be secure. For students with exceptions under this policy, the district will examine alternative ways to achieve the purpose of the exception, including alternative storage or access provisions.

Administrators will also discuss the aims of this policy with students and their parents, the benefits of a distraction-free environment, the reasons the student had difficulty following this policy, and how the district can help the student contribute to a distraction-free environment.

The district may not impose suspension from school if the sole grounds for the suspension is that the student accessed an internet-enabled device as prohibited by this policy. However, the district may utilize consequences under the district's Code of Conduct, including detention, in-school suspension, and exclusion from extracurricular activities. The district may also utilize assignments on the detrimental impact of social media on mental health, smartphones in school, or other relevant topics. Students who refuse to turn over their device due to repeated violations of the policy may be subject to further consequences under the district's Code of Conduct.

Additionally, some uses of personal electronic devices may constitute a violation of the district's Code of Conduct (e.g., cyberbullying), and in some instances, the law. The district will cooperate with law enforcement officials as appropriate.

Beginning September 1, 2026 and annually thereafter, the district will publish an annual report on its website detailing the enforcement of this policy over the past year, including non-identifiable demographic information of students who have faced disciplinary action for non-compliance with this policy, and an analysis of any demographic disparities in enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a plan to mitigate such disparate enforcement.

### **Electronic Devices and Testing**

To ensure the integrity of testing, in accordance with state guidelines, students may not bring cell phones or other electronic devices into classrooms or other exam locations during state assessments. Teachers may grant specific permission for electronic device usage during tests other than state assessments.

Test proctors, monitors and school officials have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with Individualized Education Plans, Section 504 Plans, or documentation from medical practitioners specifically requiring use of electronic devices may do so as specified.

### **Policy Distribution and Translation**

As required by law, the district will post this policy in a clearly visible and accessible location on its website, where it will also be accessible in other languages. Additionally, upon request by a student or parent, the district will provide a hard copy of this policy translated into any other language.

The district will also include this information, or a plain language summary, in student/family handbooks.

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## **VIII. TRANSPORTATION** *(District Policy Manual 5320, 8410, 8414.4)*

The Rush-Henrietta Central School District maintains and operates an extensive transportation system for the purpose of bringing students to and from school safely and on time. Since riding school transportation is an extension of the school day, the code of conduct is in effect. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the

bus driver. Students are required to behave on the bus in a manner consistent with established standards for school/classroom behavior.

Student/parent cooperation is necessary to ensure the safety of all passengers during transit. Any misbehavior on the bus may be a danger to the health and safety of others. Listed below are possible actions that may be taken by the principal and/or the director of transportation.

1. Telephone contact by the bus driver: The bus driver will call the parent/guardian(s) and explain what the student did that interfered with the trip to or from school. Parental support in getting the problem corrected will be sought.

2. Written conduct report: The bus driver will make a written report and turn it into the Transportation Department office. The head driver or director will call the parent/guardian(s) and explain what happened and seek parental support. A copy of the report will be sent home. A copy will also be sent to the principal of the school. The principal/designee and the director of transportation will decide if any further action is to be taken. Conduct reports may lead to suspension of busing services from one to five days. During that time, the parent/guardian(s) may be responsible for the transport of their child.

#### Surveillance Cameras on School Buses (District Policy 8414.4)

The Board of Education recognizes its responsibility to ensure the safety and welfare of its staff and students on school transportation vehicles.

Surveillance cameras may be used to monitor student behavior on school vehicles transporting students to and from school or extra-curricular activities. These recordings are used primarily as evidence in disciplinary matters. However, the district may use such recordings for any other purpose it deems appropriate.

Students in violation of the Code of Conduct while on district transportation will be subject to the same disciplinary consequences as those who violate the Code of Conduct while on other district property.

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## **IX. STUDENT CONDUCT EXPECTATIONS** *(District Policy Manual 5312)*

The Board expects all students to behave in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district employees, and for the care of school facilities and equipment with the goal of making school a community free of violence, intimidation, bullying, harassment, and discrimination.

District employees who interact with students are expected to use disciplinary action when necessary and to place emphasis on educating students so that they may learn from their behavior and grow in self-discipline. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

Students may be subject to disciplinary action, up to and including, in extreme or repeated occurrences, suspension from school, when they engage in any of the following behaviors:

**Academic Dishonesty:** Includes all forms of cheating, plagiarism, forgery. This includes assisting others or using Artificial Intelligence (AI) in such acts.

**Arson/Incendiary Devices:** Starting a fire and/or being in possession of fireworks or other incendiary devices on school property or at a school district sponsored event.

**Assault (minor):** Intentionally or recklessly causing minor physical injury to another student or staff member.

**Assault (SSEC):** Any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

**Bomb Threat (SSEC; District Policy Manual 8133, 8133-R, 8133-E):** a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.

**Class Cut:** Failure to attend a scheduled class or assigned instructional period without permission or a valid excuse while present in the building or on school grounds.

**Cyberbullying (SSEC):** Is defined as harassment or bullying that occurs through any form of electronic communication, including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.

**Damage/Destruction of Property:** Intentionally damaging or destroying school property or the personal property of a student, staff, or any person lawfully on school property, including graffiti or arson.

**Disruptive Behavior:** Engaging in actions that interrupt or interfere with the operation of the school, classroom, activities, or transportation, but do not fall under other specific infractions in the code of conduct.

**Dress Code Violation:** Failure or refusal to adhere to the school/district's established guidelines regarding appropriate attire.

**Electronic Device Violation:** Failure or refusal to adhere to the school/district's established guidelines regarding personal electronic devices.

**False Alarm (SSEC):** Causing a fire alarm or other disaster alarm to be activated knowing there is no danger or through false reporting of a fire or disaster.

**Failure to Serve Detention:** Failure to attend any assigned detention or supervised consequence.

**Fighting:** Mutually engaging in a physical altercation with another student or students including but not limited to pushing, shoving, hitting, kicking, or any other form of physical confrontation.

**Gambling:** Engaging in games of chance or skill for money, valuables, or other stakes while on school property or at school-sponsored events.

**Homicide (SSEC; District Policy Manual 5312):** Any intentional violent conduct that results in the death of another person.

**Inappropriate Displays of Affection or Sexual Contact (consensual):** Engaging in physical contact of a romantic or sexual nature with another student while on school property or at a school-sponsored event, even if both parties consent.

**Inappropriate Physical Contact (Non-Sexual):** Any physical contact with another student or staff member that is intentional, unwanted, or not permitted by school rules, such as pushing, shoving, grabbing, or touching, that is not sexual in nature and does not meet the definition of assault or fighting.

**Instigating or Encouraging Others to Fight:** Promoting, provoking, or encouraging physical conflict between others through words, actions, or electronic means. This includes urging others to fight, spreading rumors to incite conflict, or recording and sharing altercations.

**Leaving Class without Permission:** Exiting a classroom or instructional area without the knowledge or approval of the teacher or authorized staff member.

**Leaving School Grounds without Permission:** Departing from school property during the school day without obtaining prior approval from school administration or following proper sign-out procedures

**Material Incident of Discrimination, Harassment, and Bullying (excluding cyberbullying) (SSEC; District Policy Manual 5303, 5312):** A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such terms shall include a verified incident or series of related incidents of harassment or bullying that occur off school property. Such conduct shall include, but is not limited to, 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 (including gender identity and expression), or sex.

**Misrepresentation/Lying:** Providing false information or deliberately deceiving others, including staff or students, through spoken, written, or electronic means. This includes, but is not limited to, lying about one's identity, forging signatures, falsifying documents, or giving untrue explanations for absences or behavior.

**Obscene/Abusive Language or Gestures:** Using language, signs, or gestures that are vulgar, profane, or otherwise offensive toward others.

**Parking/Driving Violation:** Engaging in any behavior that violates school or district parking and driving regulations. This includes, but is not limited to: parking in unauthorized areas; failure to register a vehicle or display a parking permit; improper or unsafe driving on school property; exceeding posted speed limits; parking in fire lanes, handicapped spaces, or other restricted zones; loitering in the parking lot; or any conduct that creates a safety hazard or disrupts the orderly operation of the parking areas.

**Possession of a Prohibited Item:** In possession of an item that is not allowed on school property or at school events, and which is not already addressed by another specific infraction in the code of conduct. This includes but is not limited to water guns, toy weapons, laser pointers, noise makers, or any other object deemed disruptive or inappropriate by school administration.

**Sexual Harassment/Misconduct:** All unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. Sexual harassment and/or sexual misconduct may include, but is not limited to, the following: Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner; Verbal harassment or abuse; Pressure for sexual activity; Repeated written or verbal remarks to a person, with sexual or demeaning implications; Unwelcome touching, leering, flirtations or propositions; Graphic verbal comments or intrusive sexual conversation or questioning; Sexual jokes, stories, drawings, pictures or gestures; Spreading sexual rumors.

**Sexual Offense (SSEC; District Policy Manual 0150, 1520, 5312):** Any act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

**Tampering with Safety or Security Devices:** Interfering with, disabling, altering, or using any safety or security device without proper authorization. This includes, but is not limited to, touching or tampering with Automated External Defibrillators (AEDs), surveillance cameras, or any other equipment designed to ensure the safety and security of the school community.

**Technology/Electronic Device Misuse:** Unauthorized use or misuse of any district provided electronic device, computers, or digital communication.

**Theft:** Stealing, attempting to steal, or in possession of stolen property.

**Threat of School Violence (Other than Bomb Threat or False Alarm) (SSEC):** a verbal, telephoned, written, or electronic message of a threat of violence on school property or at a school-related function.

**Threats of Violence:** Any verbal, written, electronic, or physical expression (direct or indirect) of intent to cause harm, injury, or damage to another person or property that does not meet the criteria for an SSEC reportable incident. This includes statements, gestures, or behaviors that create concern or discomfort within the school community, but do not result in a police referral or pose a credible, substantial threat.

**Trespassing:** Being present on school property or at a school-sponsored event without permission, authorization, or a legitimate reason. This includes entering or remaining in buildings, classrooms, or areas that are off-limits, restricted, or closed, as well as returning to school grounds while under an out-of-school suspension or expulsion.

**Truant:** Absent for part or the full day without the knowledge and consent of the parent/guardian.

**Uncooperative/Non-Compliant Behavior:** Refusal or failure to comply with an established school or district behavioral expectation.

**Unexcused Class or School Tardies:** Arriving late to class or school without a valid excuse.

**Unsafe Behavior:** Engaging in actions that create a risk of physical harm to oneself or others, or compromise the safety of the school environment, activities, or transportation, and are not addressed by other specific infractions in the code of conduct.

**Use, Possession, or Sale of Alcohol (SSEC):** Illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

**Use, Possession, or Sale of any Smoking Paraphernalia:** Using or in possession of nicotine dispensing devices including, but not limited to e-cigarettes, vaping cartridges or liquids, smokeless tobacco, vaporized tobacco, chewing tobacco, or any devices used to heat and administer tobacco products.

**Use, Possession, or Sale of Drugs (SSEC):** Illegally using, possessing or being under the influence of a controlled substance or marijuana on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or

marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.

**Verbal Altercation:** Engaging in an argument or exchange of words with another student, which may include but is not limited to yelling, insulting, threatening, or using offensive language.

**Weapons Possession (SSEC; District Policy Manual 1520, 1521, 1532, 5312.2):** An act committed by a person 10 years of age or older which would constitute a felony under Article 265.0 of the Penal Law taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.

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## X. REPORTING VIOLATIONS *(District Policy Manual 5312)*

All students are expected to promptly report violations of the code of conduct to a teacher, counselor, administrator or any other staff member. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function, or any other action that could endanger the health or safety of students or staff, shall report this information immediately to a teacher or administrator.

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

The building principal or 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 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.

The superintendent may release, at his/her discretion, such records of violations and actions taken to local law enforcement agencies to the extent allowed under law.

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## XI. DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS

Understanding discipline as a teachable moment is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes the use of Restorative Practices to be employed where appropriate, which include conflict resolution; restorative conversation, restitution to those harmed; and group, classroom, community and re-entry circles to address misbehaviors. This approach seeks concurrent accountability and behavioral change.

The main principles of Restorative Practices are valuing and restoring relationships, repairing the harm done to affected parties, respecting others' opinions or voices, and reintegrating into the school community. Under this model, we ask:

- Who has been affected? In what way?
- What are their needs?
- What do we need to do to make things right?

Essential to the implementation of Restorative Practices is helping students who engaged in unacceptable behavior to:

- understand why the behavior is unacceptable and the harm it caused;
- understand what could have been done differently in the same situation;
- take responsibility for their actions;
- make reparations and/or restitution to repair the harm done;
- be given the opportunity to learn pro-social strategies/skills to use in the future; and
- understand the progression of increasingly punitive consequences that may be imposed if the behavior reoccurs.

While there may be more traditional consequences in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs district employees to utilize Restorative Practices where appropriate in addressing student disciplinary issues. In the application of restorative principles, the process is always voluntary for the students. Any parent/guardian (or student over the age of 18) can request to go the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

Consequences and discipline, if warranted, are most effective when they deal directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary consequences when necessary and to place emphasis on the student's ability to grow in self-discipline.

Disciplinary consequences, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary consequence, school personnel authorized to impose them will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, district staff are empowered to utilize the consequences most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education (CSE) and discipline, if warranted, will be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability will not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education program (IEP).

## **A. Consequences**

The Board expects practices which allow educators to address disciplinary matters as opportunities for learning rather than a reliance on increasing punitive measures. When choosing interventions and consequences for student's behavior, teachers, administrators, and staff must balance the district's dual goals of eliminating school disruptions and maximizing student instruction time. Students who are found to have demonstrated inappropriate behavior may be subject to the following interventions and consequences, either alone or in combination.

In conjunction with the list below, administrators, with support from Restorative Practices trained staff or mental health staff, can employ conflict resolution meetings, restitution to those harmed, group and classroom community, and/or re-entry circles. Should a parent/guardian or student over the age of 18 choose not to participate in the Restorative Practices process or if the process has not been effective with the student, the list below will be utilized to determine consequences.

1. Oral/verbal warning
2. Written warning
3. Written notification to parents or guardians
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social or extra-curricular activities
8. Suspension of other privileges
9. In-school suspension
10. Removal from classroom by teacher
11. Short-term (five days or less) suspension from school
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school

## **B. Procedures**

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

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents/guardians, are entitled to additional rights before the consequence is imposed.

### **1. Detention**

Teachers, assistant principals, principals, and the superintendent may use lunch detention as a consequence for student misbehavior. Detention will be imposed as a consequence only after the student's parent/guardian has been notified.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus and/or at a designated bus stop, the bus driver is expected to bring such misbehavior to the director of transportation and school administration's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the

building principal, the superintendent or designees. In such cases, the student's parent/guardian will become responsible for seeing that the student gets to and from school safely. Should the suspension from transportation amount to an inability to attend school, the district will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with an opportunity for an informal conference with the building principal or designee to discuss the conduct and the consequences involved.

### **3. Suspension from athletic participation, co-curricular activities and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequences involved. Suspensions longer than two days from such events and/or activities will require authorization by the director of athletics or building-level administrator. Suspensions longer than five school days will require the approval of the assistant superintendent for student & family services. *Note: Non-school days will not be counted within any suspension days.*

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

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in an in-school suspension. Within this setting, educational programming and activities will continue. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the consequences involved.

### **5. Disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using effective classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- Short-term "time out" in an elementary classroom or other designated supervised location.
- Sending a student to an administrator's office or a designated supervised location for the remainder of the class time only.
- Sending a student to a mental health professional for counseling support.

Time-honored classroom management techniques such as these do not constitute disciplinary removal for the purpose of this code.

Teachers will first use Tier 1 interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior.

On occasion, a student's behavior may become more disruptive than a teacher can manage. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. This occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instruction or repeatedly violates the teacher's classroom behavior expectations. (Note: This legislation, as it relates to teacher removal, does not include violent students. As in the past, a student who exhibits violent behavior will be immediately referred to the building principal for a possible five-day suspension to the Office of the Superintendent.)

A classroom teacher may remove a disruptive student from class for up to two days. Such action will be referred to as a *Removal*. The removal from class applies to the class of the removing teacher only.

When *removing* a disruptive student from class, if the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class (§3214(3-a)(a)).

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within 24 hours. A student who has been removed from a classroom by a teacher will report to the appropriate administrator's office immediately and await instructions from the principal or designee.

The teacher must complete the electronic behavioral referral form and meet with the principal or designee as soon as possible, but no later than the end of the school day to explain the circumstances of the removal and to present the referral form. If the principal or designee is unavailable, the teacher will contact the administrator on call and inform him/her of the events. The teacher is also expected to contact the student's parents/guardians and explain the circumstances of the removal.

As soon as possible, but no later than 24 hours after the student's removal, the principal or designee must notify the student's parents/guardians, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian that he/she has the right, upon request, to meet informally with the principal or designee and the removing teacher to discuss the reasons for the removal. A teacher who removes a student from his/her class is expected to attend a conference, upon request, with the student's parent/guardian.

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

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

The principal or the designee may overturn the removal of the student from class if the principal finds any one of the following (§3241) (3-a) (c):

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the district's code of conduct.

- The conduct warrants suspension from school, pursuant to Education Law §3214, and a suspension will then be imposed.

The principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference if a conference is requested (§3214 (3-a)). 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 comes first.

Any disruptive student removed from the classroom by the classroom teacher will be offered continued educational programming until he or she is permitted to return to the classroom. Each teacher must complete a referral form for all cases of removal of students from his/her class. The principal or designee must keep a log of all removals of students from class.

Removal of a student with a disability (including those with a plan under section 504 of the Rehabilitation Act of 1973), under certain circumstances, may constitute a disciplinary change in the student's placement. Accordingly, no teacher may remove a student with a disability from the classroom until the teacher verifies with the principal or the chairperson of the CSE that the removal will not violate the student's rights under state or federal law or regulation. If it is determined that the removal of a student with a disability (including those with a plan under section 504 of the Rehabilitation Act of 1973) does not constitute a disciplinary change in placement, written documentation of the removal must be shared with the Special Education Office.

#### 6. ***Suspension from school*** (District Policy Manual 5313.3)

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others, are repeatedly substantially disruptive, or for whom the use of Restorative Practices and/or mediation have not been effective.

Suspension from school is a severe consequence which may be imposed only upon students who are severely insubordinate, disorderly, violent, or severely disruptive, or whose conduct otherwise endangers the safety (physical or mental), health or welfare of others. Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

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

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 will 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, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

#### **Short-Term (five days or less) Suspension from School**

When the superintendent or principal proposes to suspend a student charged with misbehavior for five days or less (§3214 (3)), the suspending authority must immediately notify the student verbally. If the student denies the misbehavior, the suspending authority must provide an explanation of the basis for the proposed

suspension and must notify the student's parents/guardians in writing that the student may be suspended from school.

The notice will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parents/guardians of the right to request an immediate informal conference with the principal. The notice and opportunity for an informal conference will 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 will take place as soon after the suspension as is reasonably practical.

After the conference, the principal will promptly advise the parents in writing of his/her decision. The principal will advise the parents/guardians 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 ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians 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 of Education within 30 days of the decision.

### **Long-Term (more than five days) Suspension from School**

When the superintendent or building principal determines that suspension for more than five days may be warranted, reasonable notice to the student and the student's parents/guardians of their right to a fair hearing will be provided. At the hearing, the student will 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 will designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing will be maintained; a tape recording will be deemed a satisfactory record. The hearing officer will make a finding of fact and recommendations as to the appropriate measure of consequence to the superintendent. The report of the hearing officer will 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, who will make its decision based solely on the record before it. All appeals to the board must be in writing and submitted to the district clerk within (30) days of the date of the superintendent's decision, unless the parents/guardians can show that extraordinary circumstances preclude 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 of Education within 30 days of the decision.

### **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.

### **Procedures After Suspension**

The Board may condition a student's early return from a suspension on the student's voluntary participation in restorative conference, re-entry circles, counseling or other specialized interventions, such as anger management or dispute resolution. The board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions will be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed.

## **7. Minimum periods of suspension**

### **Students who bring a weapon to school**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property 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 consequence, 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 others.
- other extenuating circumstances.

### **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. (*Note: Due process shall be the same as for a short-term suspension.*) The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis, considering the same factors as above.

### **Students who are repeatedly substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school up to five days. For the 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 in a semester. If the proposed consequence is the minimum five-day suspension, due process shall be the same as for a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent/ guardian 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 suspension on a case-by-case basis, considering the same factors as above.

## **8. Referrals**

Counseling of students may be handled by school counselors, social workers, or psychologists. The individuals responsible for counseling students will be assigned by the principal or designee. The district may make a referral to the county's diversion team, called FACT (Family Access and Connection Team), on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:

- being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- 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.
- knowingly and unlawfully possesses marijuana in violation of the Penal Law §221.05.

In the case of juvenile delinquency 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:

- any student under the age of 16 who is found to have brought a weapon to school.
- any student 14- or 15-years-old, who qualifies for juvenile offender status, under the Criminal Procedure Law §1.20(42).

The superintendent is required to refer students age 16 and older or any student 14- or 15-years-old, who qualifies for juvenile offender status, to the appropriate law enforcement authorities.

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## **XII. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, district employees, and families to make every effort to maintain student academic progress in the event of removal or suspension, and to support student re-entry to the classroom at the conclusion of the disciplinary consequence.

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## **XIII. DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **A. Removing a Student with a Disability** *(District Policy Manual 5310)*

Removal of a student with a disability, under certain circumstances, may constitute a disciplinary change in 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 CSE chairperson that the removal will not violate the student’s rights under state or federal law or regulation. *(Note: This does not include a student whose behavior is violent.)*

The Board of Education recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities who violate the district’s student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The board expects that this will be a sparingly used option and appropriate district employees will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative practices will be considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The board also recognizes that students with disabilities deemed eligible for special education services under the Individuals with Disability Education Act (IDEA) and Article 89 of New York’s Education Law are allowed procedural protections that school authorities must observe when they decide to suspend or remove the student. Under certain conditions, those protections extend to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights afforded under applicable law and regulations.

For the purposes of this section of the code of conduct, and consistent with applicable law and regulations, the following definitions apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 USC §812 (c)).
3. *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 removal that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removal, the total amount of time the student has been removed and the proximity of the suspensions or removal to one another. The school district determines on a case-by-case basis whether a pattern of removals constitutes a change in placement.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary education placement, other than the student's current placement, at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive education services that enable him/her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program, as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not reoccur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this document.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent/guardian, and relevant members of the CSE as determined by the parent/guardian and the district.
8. *Removal* means a removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an IAES because the student poses a risk of harm to self or others.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth in this document, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
11. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.

## **B. Authorized Suspensions or Removals** (*District Policy Manual 5310*)

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

1. The Board, BOCES superintendent, the superintendent of schools, or a building principal with authority to suspend students under the Education Law 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.
2. The superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed 10 consecutive school days, inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph if the superintendent determines the student behavior warrants the 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.
3. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misbehavior, as long as those removals do not constitute a change of placement.
4. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for a period in excess of 10 consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.
5. The superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education (CSE) for a period of up to 45 school days if the student either: carries or possesses a weapon to school or to a school function; knowingly possesses or uses illegal drugs or sells/solicits the sale of a controlled substance while at school or a school function under the district's jurisdiction; or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.
6. The superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the CSE will determine the IAES.

### **Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents/guardians will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.

The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the designated hearing officer will be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of the student's disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined

in the same manner as a non-disabled student, except that the student will continue to receive services as set forth on page 24. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved weapons, illegal drugs or controlled substance, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

### **Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change in placement of a student with a disability that is based on a pattern of suspensions or removal as set in the *definitions* section unless:

- a. the manifestation team determines that the student's behavior was not a manifestation of the student's disability; or
- b. the student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct. In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

### **Parent/Guardian Notification of a Disciplinary Change of Placement**

The district will provide the parents/guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the district's code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

### **Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

### **Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

- a. The superintendent to change the placement of a student to an IAES;
- b. An impartial hearing officer to place a student in an IAES; or
- c. The board, the superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

- a. Caused by and had a direct or substantial relationship to the student's disability; or
- b. The direct result of the district's failure to implement the student's IEP and/or BIP, if the student has one.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

- a. have the CSE conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
- b. return the student to the placement from which they were removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs, controlled substances, or there was infliction of serious bodily injury, or the parents/guardians and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's IEP, the district will take immediate steps to remedy those deficiencies.

### **Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of applicable law and regulation will continue to receive services as follows:

1. During the suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement regardless of the manifestation determination, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective IEP. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal, the district will provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not reoccur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs, controlled substances or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective IEP, and to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not reoccur. In such an

instance, the CSE will determine the appropriate services to be provided.

### **Students Presumed to Have a Disability for Discipline Purposes**

The parent/guardian of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehavior has the right to invoke any of the protections set forth in applicable law and regulations, if the law and district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent/guardian expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student needs special education. Such expression may be oral if the parent/guardian does not know how to write or has a disability that prevents a written statement; or
2. The student's parent/guardian has requested an evaluation of the student; or
3. A teacher of the student, or other school personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's director of special education or other supervisory personnel.

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 that the student was a student with a disability, any of the following occurred:

1. The student's parent/guardian has not allowed an evaluation of the student; or
2. The student's parent/guardian has refused services; or
3. The district conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student will remain in the educational placement determined by the district, which can include suspension.

### **C. Expedited Due Process Hearings** (*District Policy Manual 5311.1*)

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings;
3. The student's parent/guardian regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent/guardian relating to any decision regarding placement including, but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in commissioner’s regulations. Those procedures include, but are not limited to, convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to self or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the removal, whichever occurs first, unless the student’s parent/guardian and the district agree otherwise.

#### **D. Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

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### **XIV. CORPORAL PUNISHMENT** *(District Policy 5314, 5314-R)*

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. The use of corporal punishment or aversive intervention by district employees is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- A. protect oneself, another student, teacher or any person from physical injury.
- B. protect the property of the school or others.
- C. restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the commissioner of education in accordance with commissioner’s regulations.

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### **XV. STUDENT SEARCHES AND INTERROGATIONS** *(District Policy Manual 5330)*

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

The Board authorizes the superintendent of schools, building administrators, the school nurse and district security personnel to conduct searches of students and their belongings if the authorized school official has

reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that they possess physical evidence that violated the law or the district code of conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present while their possessions are being searched.

#### **A. Student Lockers, Desks, and Other School Storage Places**

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

#### **B. Student Vehicles**

Parking on school grounds is a privilege, not a right. By choosing to park at school, students agree that their vehicles may be inspected by school officials if there is a reasonable, individualized suspicion that the vehicle contains prohibited items. If a student refuses to allow a search when asked, their parking privileges may be taken away immediately, and the school may also take other disciplinary actions as needed, depending on the situation.

#### **C. Strip Searches**

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket. Under no circumstances should a district employee conduct a strip search of any student. If a district employee is presented with a situation that requires a more thorough search, the appropriate law enforcement agency will be contacted.

#### **A. Law Enforcement (Police) Involvement (*District Policy Manual 5330*)**

District officials are committed to cooperating with law enforcement authorities to maintain a safe school environment. Law enforcement officials, however, have limited authority to interview or search students in

schools or at school functions, or to use school facilities in connection with police work. Law enforcement officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have probable cause to believe a crime has been committed on school property or at a school function or if they have a warrant for arrest or search.

Before law enforcement officials are permitted to question or search any student, the building principal or designee will try first to notify the student's parent/guardian to give them the opportunity to be present during the questioning or search. If the student's parent/guardian cannot be contacted prior to the questioning or search, the questioning or search will not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by law enforcement officials on school property or at a school function will be afforded the same rights they have outside the school.

### **B. Child Protective Services Investigations** (*District Policy Manual 5330*)

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property will be made directly to the principal or designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's visitor management procedures, and identify the child(ren) to be interviewed.

The principal or designee will identify an appropriate school staff member to observe the interview either from inside or outside the interview room.

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

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## **XVI. VISITORS TO SCHOOL** (*District Policy Manual 1240, 1240-R*)

The building principal or designee is responsible for all persons in the building and on school grounds. Anyone who is not a regular staff member or student of the school will be considered a visitor.

The following expectations apply to visitors to the schools:

- A. All visitors must enter through the designated single point of entry and report to the main office. There, they will present photo identification 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 badge to the main office before leaving the building.
- B. Parents/guardians who wish to observe a classroom while school is in session are required to

- arrange such visits in advance with the building principal or designee.
- C. Parents/guardians who wish to speak with a teacher concerning the progress of a child must make an appointment with the teacher.
  - D. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. Law enforcement may be called if the situation warrants.
  - E. All visitors are expected to meet the expectations for public conduct on school property contained in this code of conduct.

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## XVII. PUBLIC CONDUCT ON SCHOOL PROPERTY *(District Policy Manual 0100, 0150, 0160, 1240, 1520, 1521, 1530, 1532, 1535)*

The district is committed to providing a welcoming, engaging, respectful, orderly environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to maintain this kind of environment, the public must also adhere to the expectations of the district. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students and district employees.

All persons on school property or attending a school function must conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function must be properly attired.

### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of any student, staff member or person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender (including gender identity and expression), sexual orientation, disability, ancestry, or marital status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute, or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function. In addition, the use of tobacco products is prohibited.
10. Possess or use weapons in or on school property or at a school function.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of school district officials performing their duties.
14. Willfully solicit and/or incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance, or Board policy while on school property or at

a school function.

16. Communicate in a manner that is offensive or degrading by language or gestures.
17. Offend in any way visiting teams or players.
18. Berate coaches or officials.
19. Berate, bully, or belittle in any way other individuals.

## **B. Consequences** (*District Policy Manual 1520, 1520-R*)

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

1. Visitors' authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises or be subject to ejection.
2. If a trespasser or visitor does not voluntarily remove himself/herself from school property, the services of the police shall be obtained for his/her ejection.
3. Students shall be subject to disciplinary action, as the facts warrant.
4. Tenured faculty members shall be subject to disciplinary action, as the facts warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
5. Staff members entitled to the protection of Civil Service Law §75 shall be subject to immediate ejection and to disciplinary action, as the facts warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
6. Other staff members shall be subject to warning, reprimand, suspension, or dismissal, as the facts warrant in accordance with any other legal rights that they may have.

## **C. Enforcement** (*District Policy Manual 1520, 1520-R*)

School district administrators or designee are responsible for enforcing the conduct required by this code.

When the school district administrator or designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence, intimidation, bullying, harassment, discrimination, misconduct or otherwise not allowed behaviors, which in their judgment does not pose any immediate threat of injury to person or property, the administrator or designee will tell the individual that the behavior is not allowed and attempt to persuade the individual to stop. The administrator or designee will warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the undesired behaviors, or if the person's actions pose an immediate threat of injury to persons or property, the administrator or designee will have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

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# **XVI. DISSEMINATION AND REVIEW**

## **A. Dissemination of Code of Conduct**

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents/guardians at the beginning of the school year, and thereafter on request.

3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

## **B. Review of Code of Conduct**

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

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

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

The code of conduct and any amendments to it will be filed with the commissioner of education, in a manner prescribed by the commissioner, no later than 30 days after adoption.

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## **XVIII. APPENDIX: STUDENT RIGHTS AND RESPONSIBILITIES** (*District Policy Manual 5311.6*)

“Children are taught a host of lessons about values, ethics, morality, character and conduct every day of the week, less by the content of the curriculum than by the ways schools are organized, the ways teachers and parents behave, the way they talk to children and to each other, the kinds of behavior they approve and reward and the kinds they disapprove and punish,” (Charles Silberman, *Crisis in the Classroom*, 1970). With this premise in mind, and guided by the desire to make school a humane institution for the promotion of learning, the following Student Bill of Rights and Responsibilities is prepared.

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

### **A. Article I - FAIR TREATMENT**

The Board of Education, its officers, and employees recognize the rights of all students to be treated equally and fairly, so that no student shall be discriminated against on the basis of race, color, national origin, ancestry, creed, religion, marital status, gender (including gender identity and expression), sexual orientation, age, or disability in the areas of freedom of expression, personal rights, and access to school programs.

### **B. Article II - RIGHT TO STUDENT REPRESENTATION**

1. In the senior high school, an elected representative student government shall be established with offices open to all full-time students currently enrolled in that school. Maximum student

participation shall be encouraged. Students with an incomplete in any course may run for elective office, but may not serve in such office unless and until the incomplete is rectified. Currently enrolled students shall be allowed to vote in student government elections according to regulations in the Student Council Constitution.

2. All candidates for any school office shall be allowed to wage a fair campaign for such office. Campaign time and designated school facilities shall be made available to candidates on an equal basis. Such time and school facilities shall be determined jointly by the building principal or his/her representative and a committee of the Student Council.
3. The student government shall have the power to allocate student government funds, subject to established audit controls and established bylaws of the Board of Education. Extracurricular activities shall be conducted under guidelines established by the student government and the principal.
4. During each school year, a Shared Decision Making (SDM) Committee shall be formed to consider and recommend any revision necessary to the school rules.

### **C. Article III - RIGHT TO FREEDOM OF EXPRESSION**

1. Students may exercise their constitutionally protected rights of free speech and press, as long as they do not disrupt or interfere with the operation of the regular school program.
2. District Policies #5220 and #5312 shall be observed as well as other applicable policies.
3. Student Organization
  - Students may form political, social and educational organizations (including those which champion unpopular causes) within the school. These organizations, however, must be open to all students and shall have a set of bylaws approved by the student government in consultation with the principal. These bylaws shall not be in conflict with an established guideline of the Board of Education or the constitution of the student government; shall provide for a faculty advisor; shall provide for a roster of officers on file with the student government; shall set forth membership qualifications which do not exclude students on the basis of race, color, creed, or political belief. The principal has the right to suspend the operation of any student organization if its activities are deemed to be detrimental to the welfare or safety of the school, or if it operates in violation of established rules or bylaws.
  - Such student organizations shall have equitable access to those school facilities designated by the school administration.
  - Except for positions for which there is extra compensation, student organizations are entitled to faculty advisors of their own selection, provided that the individual agrees to serve. Paid faculty advisors will not be appointed by the building principal until consultation with the student organization involved has occurred.
  - Student organizations are encouraged to plan and carry out forums, seminars, and other programs. Such activities, if part of the school program during the school day, are subject to the approval of the principal. When conducted after school hours, such activities shall have the same rights and responsibilities as any group using school facilities, including the responsibility for providing appropriate arrangements for supervision.

#### 4. Bulletin Boards, Posters and Distribution (*District Policy Manual 1510, 1511, 5220, 5311.6, 5312*)

- The principal shall designate certain areas to be used for bulletins or posters of recognized Board-approved student organizations. A prominently placed bulletin board shall be designated for notices relating to out-of-school activities or matters of general interest which a student or group of students wish to post. The manner of posting of student campaign posters shall be governed by rules adopted by the student government and the principal.
- All posters for school-sponsored or non-school-sponsored events shall be presented for approval to the principal or designee.
- The criteria required for all posters include a clear listing of the following pertinent information:
  - Who:** Name of sponsoring club and individual and name/phone number of contact person
  - When:** Date and time of event
  - Where:** Location of event
  - What:** Description of event
- Posters will be screened by the administrator. Obscene content or content which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school will not be permitted. Those posters approved can be displayed in the designated area. The requested material shall be stamped approved within two school days and posted or the submitting student or group will be notified of its disapproval and the reason for such disapproval. Upon request, the principal shall meet promptly with the involved student or students to review the decision to disapprove the material for posting. If the principal does not approve the material for posting, the student or students may then appeal the determination as provided in *Article XIII: GRIEVANCE PROCEDURE*.
- Approved school-sponsored events or postings may be posted in all academic and nonacademic areas. Non-school-sponsored events or postings may have one example posted on the designated bulletin board. (Additional information and/or leaflets that accompany non-school events may be left in the main office for students to access.) New postings may not interfere with or cover up others' postings, display cases, or other examples of student information.
- All groups are responsible for the removal of outdated postings. Posting time span expires on the day after the event.

#### 5. Distribution of Literature

- Students have the right to distribute literature on school grounds and in school buildings, provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the building principal or designee. Literature that contains only religious content shall be presumed proper for this purpose. This distribution rule applies to both school and non-school literature. The distribution of literature with obscene content or substance which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school will not be permitted. The material shall not be approved for distribution and the submitting student or group will be notified of its disapproval, and the reason for such

disapproval. Upon request, the principal shall meet promptly with the involved student or group of students to review the decision to disapprove the material for distribution. If the principal does not approve the material for distribution, the student or students may then appeal the determination as provided in *Article XIII: GRIEVANCE PROCEDURE*.

- The individual distribution of leaflets/written material is allowed on a person-to-person basis, assuming that the receiving individual willingly accepts.
- Distributing individuals may request a table with which to distribute approved materials.
- Leaflets/written materials may not be placed in any personal spaces: mailboxes, desks, backpacks, notebooks, body, etc.
- Personal distribution of written materials/leaflets may not take place in a manner that disrupts instruction or which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school.
- Persons distributing material, as well as those accepting the literature, are responsible for proper disposal thereof so as to avoid littering the school or grounds.
- Flag Salute: Pledge of Allegiance. Students must observe District Policy #4311.1 regarding the Pledge of Allegiance.

#### **D. *Article IV* - PERSONAL APPEARANCE**

In conformity with the rulings of the New York State Commissioner of Education and court decisions, students may determine their own dress; except for graduating seniors, where caps and gowns are required for participation in commencement exercises, and where such dress is hazardous or is distracting and interferes with the education process.

#### **E. *Article V* - DISCIPLINARY ACTIONS & SUSPENSIONS**

Rules and regulations governing disciplinary actions and suspensions are set forth in the Student Code of Conduct.

#### **F. *Article VI* - SEARCH OF STUDENT LOCKERS & INTERROGATION OF STUDENTS BY LAW ENFORCEMENT AUTHORITIES (*District Policy Manual 5330*)**

Searches of student lockers may be made by school officials in accordance with District Policy #5330. Although the locker is assigned to the student, it remains the property of the school and is under the jurisdiction of the school authorities. Searches shall be made in the student's presence, where possible. Except in cases involving a concern for health and safety or if there is reason to believe that prohibited or illegal articles are stored there, school officials shall not open students' assigned lockers.

Interrogation of students by law enforcement authorities shall be governed by those procedures outlined in the Code of Conduct.

#### **G. *Article VII* - RIGHT TO ADEQUATE COUNSELING**

Students shall have the right to adequate counseling in the school, or the students shall be referred to reliable community organizations for such counseling.

#### **H. *Article VIII - SCHOOL RECORDS***

The student, with his/her parents/guardians, has the right to inspect all of the student's school records, with the presence of qualified, certificated personnel.

#### **I. *Article IX - STUDENT PREGNANCY***

Students who are pregnant have the right to remain in the regular school program as long as physically possible as determined by the student's physician, the district's nurse practitioner, and the building principal.

#### **J. *Article X - RIGHT TO REMAIN SILENT***

Students have the right to remain silent when charged with an offense until the parents/guardians and/or legal advisor are present.

#### **K. *Article XI - DIPLOMAS & GRADUATION***

School officials have no legal authority to withhold a student's diploma if the student has successfully completed the required course of study. A student's diploma cannot be withheld because of an attitude or political activity that does not violate school rules.

#### **L. *Article XII - RULES OF THE SCHOOL***

Students shall receive annually, upon the opening of school, a Student Code of Conduct setting forth the rules and regulations governing the operation of the school. This publication shall also contain a statement of students' rights and responsibilities. Students shall also be made aware of and abide by those rules and regulations stated in the daily bulletin or announced over the public address system.

#### **M. *Article XIII - GRIEVANCE PROCEDURE***

In the event of an alleged grievance claimed by a student involving rights specified in this Bill of Rights and Responsibilities, the following procedure should be followed:

1. The student shall discuss the alleged grievance with the teacher, staff member, or administrator involved.
2. If the alleged grievance is with a teacher and is not resolved through step 1 or if the student is unable to contact the teacher involved, the school counselor and/or department leader should be consulted by the student in an attempt to resolve the grievance.
3. If the alleged grievance remains unresolved at the conclusion of step 2, the student should consult with an assistant principal, the principal, and the appropriate assistant superintendent, in that order, seeking to resolve the alleged grievance at each level.
4. If the alleged grievance remains unresolved at the conclusion of step 3, the student should consult with the deputy superintendent or superintendent of schools.
5. If the alleged grievance remains unresolved at the conclusion of step 4, the student should consult with the Board of Education.

6. If the alleged grievance remains unresolved at the conclusion of step 5, the student may appeal to the commissioner of education.
7. An alternative method for resolving an alleged grievance is the grievance committee.
  - The make-up of the committee shall consist of: four students, four teachers, and one administrator (other than the principal).
  - Members of the committee shall be chosen by lot from among a pool of persons willing to serve in such capacity.
  - All decisions of the committee shall be made by a simple majority.
  - Decisions of the committee shall be implemented by the principal, unless said decisions violate existing policy of the Board of Education or state or federal law.
  - The student may appeal the decision of the Grievance Committee to the superintendent of schools, the Board of Education, and the commissioner of education, as governed by specific provisions of the Regulations of the Commissioner of Education.

#### **N. *Article XIV* - STUDENT RESPONSIBILITIES**

The basic responsibility of students is to become educated to their fullest ability. This responsibility includes regular school and class attendance, conscientious effort in classroom work, and conformance with school rules and regulations.

It is the responsibility of each student to respect the rights of all who are involved in the educational process.

In exercising their rights, students have an obligation to express their views in an orderly fashion without interfering with the operation of the regular school program and without exerting undue pressure on their fellow students to join or contribute to specific causes or organizations.

No student has the right to interfere with the education or the health, safety, or welfare of their fellow students and the school staff by the use of violence, force, coercion, threat, intimidation, or fear.

No student has the right to destroy, deface, or otherwise deliberately cause damage to school property.

Students should accept responsibility for encouraging the exercise of good school citizenship by fellow students.

It is the responsibility of the student, with the school officials and staff, to create a harmonious atmosphere throughout the school.

#### **O. *Article XV* - THE RIGHTS OF 18-YEAR-OLDS (*District Policy Manual 5311.6*)**

State and federal laws grant adult rights to students who are age 18 or older. We urge students to exercise the following rights by consulting with their parents/guardians.

If a student is 18, they may:

1. Sign their absence excuses. (They will, however, be verified with the parent/guardian.)
2. Sign their permission slips to participate in athletic programs, field trips, and other school events.
3. Review their official school records.

The school record includes information pertinent to the student's education and activities. The record is stored in the Counseling Center and/or building main offices.

Review: The parent/guardian or student, if they are 18, can ask for corrections or deletions of information in their record.

Hearing: If the request for change is denied, the parents/guardians or student, if 18, may ask for a hearing to challenge the contents for the record; to determine that the record is accurate, not misleading or in violation of student privacy or other rights; to correct or remove inaccurate, misleading, or inappropriate data.

All students, under and over 18, must obey school rules and regulations. Students are responsible for their attendance and conduct in school.

Reference: *Tinker vs. DesMoines School District* 393 U.S. 504 (1969)  
*Lander, et al vs. Rush-Henrietta Central School District*

Cross ref: **0100** Equal Opportunity  
**0150** Sexual Harassment  
**0160** Intimidation Prevention  
**1110** Publications, Printed and Electronic  
**1520** Public Conduct on School Property  
**1521** Civility  
**1530** Smoking on School Premises  
**1532** Dangerous Weapons in School  
**1535** Drug, Alcohol and Tobacco Use  
**4311** Display and Salute of The Flag  
**4312** Religion in Schools  
**5000** Series of Policies Regarding Students  
**5303** Intimidation, Harassment, And Bullying Prevention  
**5312** Prohibited Student Conduct  
**5330** Student Searches and Interrogations

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