

Albion Central School District

Code of Conduct



Adopted by the Albion Central School District Board of Education on June 1, 2001.

Last revised: July 10, 2017

Albion Central School District

Mission, Vision, Values

OUR MISSION

“Achievement, Character, and Success for Life...ACS”

OUR VISION

“A Community School of Excellence, A Model for All!”

OUR VALUE STATEMENTS

Share the Work, Celebrate the Success

Learn Today, Lead Tomorrow

Value Everyone, Everyday, Everywhere

ACS – Community Built on Character

Committed to Continuous Improvement

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CODE OF CONDUCT – GENERAL INFORMATION

I. INTRODUCTION

The Albion Central School District is committed to providing a safe, respectful environment that is conducive to learning. The District is also committed to the intent of The Dignity for All Students Act (Dignity Act) which is to provide all students with an environment free from discrimination and harassment as well as to foster civility in schools. To create and maintain such an environment, the district uses this Code of Conduct to regulate conduct on school property and at school functions. Unless otherwise indicated, this Code applies to all students, school personnel, parents or guardians, and other people when on school property or attending a school function.

- "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. (Education Law §11(1)).
- "School bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11(1)) and Vehicle and Traffic Law §142).
- "School function" includes any school-sponsored extracurricular event or activity. (Education §11 [23])

II. RESPECT AND RESPONSIBILITY

The Albion Central School District recognizes that teaching students respect, responsibility, civility and understanding toward others is important. The practice and reinforcement of appropriate behavior and values of our society is important as well. The district strives to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the district stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his or her right to freedom of expression, but rather, seeks to maintain, to the extent possible and reasonable, a safe, educationally conducive environment free of discrimination and harassment for our students and staff.

The Albion Central School District recognizes the value of positive interpersonal relationships and civil conduct in the educational process at all school functions. The district encourages the development and promotion of civility, respect for others, responsibility, sportsmanship, ethics and integrity. Recognizing that all students model behavior that they observe at school functions, everyone in our school community must strive to exhibit civility, respect for others, responsibility and sportsmanship at all times.

School personnel, parents or guardians, students, coaches, athletes, spectators and visitors at school-sponsored events are expected to demonstrate such traits when they participate in or watch school activities, whether academic or extra-curricular. Actions such as discrimination, bullying, disrespectful attitudes, vulgar language, harassment, taunting or intimidation are not acceptable at school functions.

School officials may take appropriate action against any individuals observed displaying such negative behavior. Appropriate action may include expulsion from the school premises, prohibition from returning to future school functions, and such other actions as deemed appropriate by school officials.

III. GENERAL CODE OF CONDUCT

A. Prohibited Conduct on School Property

No person, either alone or with others, shall

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property
3. Disrupt the orderly conduct of classes, school programs or other school activities
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, sex, or disability
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
7. Obstruct the free movement of any person in any place to which this Code applies
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcohol in any form including liquid or powder, illegal drugs including marijuana and controlled substances, items presented as illegal drugs, drug paraphernalia, or be under the influence of any of these items on school property or at a school function
10. Use, consume, sell, or distribute tobacco products or simulated smoking devices (including electronic cigarettes). Additionally, students may not possess tobacco products, lighters or simulated smoking devices (including electronic cigarettes)
11. Possess or use weapons and/or ammunition in or on school property or at a school function, except in the case of law enforcement officers or other exemption as specifically authorized by the school district
12. Loiter on or about school property
13. Gamble on school property or at school functions
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties
15. Willfully incite others to commit any of the acts prohibited by this Code
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function

B. Student/Staff Relationships

1. Romantic and/or sexual relationships between students and staff members are strictly prohibited.

C. Penalties

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal by law enforcement officials.

2. Students: They shall be subject to disciplinary action as the facts may warrant in accordance with their due process requirements.

3. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

D. Enforcement

The building principal or a designee shall be responsible for enforcing the conduct required by this Code.

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

In circumstances where off-campus conduct violates the district's value statements or directly impacts the safety, health or welfare of those within the educational system, discipline by school officials may be pursued. Additionally, in circumstances where off- campus conduct adversely affects the educational process, discipline by school officials may be pursued.

IV. THE DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT OR DASA)

The Albion Central School District is committed to the intent of the New York State Dignity for All Students Act which is to provide all students with an environment free from discrimination and harassment as well as to foster civility in schools.

A Dignity Act Coordinator has been appointed in each school building. As directed by the Dignity Act, the coordinator is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. Students, staff, parent or guardian, and members of the Albion Central School community are encouraged to speak with the appropriate building coordinator with questions they have about the Dignity Act. They are encouraged to report instances of discrimination or harassment to the coordinator.

The Dignity Act and the Albion Central School District seek to develop a positive learning environment for all students. When necessary, the district will implement measured, balanced and age-appropriate responses to the discrimination and harassment of students by student(s) and/or employee(s) on school property and at school functions. Such responses shall discern and correct the reasons the discrimination and harassment occurred. Responses shall be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Remedial responses may include, but are not limited to, support groups, corrective instruction, supportive intervention, behavioral assessment or evaluation, behavioral management plans, parent or guardian conferences, and disciplinary consequences provided for in the Code of Conduct.

The Dignity Act applies several specific definitions:

School Property, as defined on page 4 of this Code.

School Bus, as defined on page 4 of this Code.

School Function, as defined on page 4 of this Code.

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

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

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

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law §11(6)).

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

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

Harassment/bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11[8], that

(a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being or

(b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or

(c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

(d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7]).

Cyberbullying means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but limited to:

- Race
- Color
- Weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

V. NON-DISCRIMINATION, ANTI-HARASSMENT AND EQUAL ACCESS POLICY

The district affirms its commitment to non-discrimination and equal access with respect to all employment opportunities and educational programs offered by the district. The district further recognizes its responsibility to provide an environment that is free from discrimination, harassment, and intimidation. Therefore, the district prohibits and condemns all forms of discrimination and harassment on the basis of race, color, national origin, religion, creed, sex, marital status, age, disability, or any other legally protected classification. This prohibition applies to the conduct of employees, school volunteers, students, and non-employees who are present on school property or at school activities, including contractors and vendors, and any other persons who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the district. The district's commitment to non-discrimination, anti-harassment, and equal access extends to all aspects of its operations and will be enforced on district premises and school buildings and at all school functions, programs and activities, including those which take place at locations off school premises.

Any individual who believes he/she has been subjected to discrimination, harassment or denial of equal access to employment opportunities or educational programs within the district should report such conduct to the district's designated Complaint Officer through the informal and/or formal complaint procedures developed by the district. In the event that the Complaint Officer is the offender, the complaint should be reported to the next level of supervisory authority. All such reports will be held in strictest confidence.

Upon receipt of an informal/formal complaint, the district will conduct an investigation of the allegations. If the district's investigation determines a violation of this policy has occurred, appropriate action will be taken against the violator. If the violator is a school employee, appropriate action may include disciplinary penalties including possible termination. If the violator is a student, appropriate action may include disciplinary penalties including suspension, expulsion, and exclusion from extracurricular activities. If the violator is not an employee or student, appropriate action may include limiting or denying the individual's access to school property and/or school activities.

The district prohibits any retaliation against a person because he/she has made a complaint or participated in an investigation of a complaint under this policy.

The Superintendent shall develop regulations for resolving complaints of discrimination, harassment or denial of equal access within the district. The Superintendent or a designee shall affirmatively discuss the district's policy prohibiting discrimination, harassment and denial of equal access with employees and students, including the district's condemnation of such conduct and the sanctions for such conduct.

VI. DISSEMINATION OF CODE OF CONDUCT

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

1. Providing students and/or families with a copy of the Code of Conduct
2. Reissuing the Code of Conduct to the family of any student who consistently violates the Code. Parent or guardian will be asked to sign that they have received a copy.
3. Providing all current teachers and staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired
5. Making copies of the Code available for review by students, parents or guardians and other community members

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

VII. ANNUAL REVIEW

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

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

VIII. FILING

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption, in a manner prescribed by the Commissioner.

STUDENT CONDUCT

IX. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex, or disability
2. Present their version of events to school personnel authorized to discipline student
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel

B. Student Responsibilities

All district students have the responsibility to

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct and comply with the provisions of this Code of Conduct
3. Attend school every day unless they are legally excused; be in class, on time, and be prepared to learn
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest possible level of achievement
5. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner
6. Work to develop mechanisms to control their anger
7. Ask questions when they do not understand
8. Seek help in solving problems that might lead to disciplinary consequences
9. Dress appropriately for school and school functions in accordance with the Student Dress Code contained herein
10. Accept responsibility for their actions
11. Conduct themselves responsibly as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship
12. Discover and participate in at least one academic or extra-curricular school activity which they truly enjoy

X. DISCIPLINARY PHILOSOPHY

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

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

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

As a general rule, discipline will be progressive, meaning that a student's first violation will often merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education; Discipline, if warranted, shall be administered consistently with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

The Board of Education prohibits, in any manner, the use of corporal punishment in the disciplining of any student. Corporal punishment is defined as physical punishment or undue physical discomfort inflicted on the body of a student for the purpose of maintaining discipline or enforcing school rules.

XI. PROCEDURES FOR DISCIPLINING STUDENTS

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

Students who are to be given penalties other than an oral warning, a written warning, or written notification to their parent or guardian are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

A. Detention

Detention is the placement of a student in a supervised school setting during the school day, after the school day, and on Saturday.

Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent or guardian or guardian has been notified to confirm that there is no parental or guardian objection to the penalty and that the student has appropriate transportation home following detention. (Parent or guardian cannot object to detention during school hours of 7:30 AM and 3:15 PM.)

B. Suspension from Transportation

If a student does not act properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by

the building principal or the Superintendent or their designees. In such cases, the student's parent or guardian will become responsible for the student's safe transportation to and from school. Should the suspension from transportation amount to a suspension from attendance, 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. The student and the student's parent or guardian will, however, be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

C. Restricted Access: Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

Under this provision, a student is allowed on school property only during the academic school day.

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

Waiver From Suspension Of Extra-Curricular And/Or Interscholastic Activities For Substance Abuse

The twenty (20) week suspension from participation in extra-curricular activities and/or interscholastic athletics may be waived by the building principal once the student serves a five-day suspension from all extra-curricular activities and/or interscholastic activities and voluntarily

1. Agrees to participate in a six-session substance abuse education program conducted by Albion Central School. Failure to participate will result in an immediate suspension from extra-curricular and/or athletic activities until student participation in the insight group has been completed, OR
2. Agrees to participate in an anti-tobacco product workshop if the offense involves tobacco products or simulated smoking devices (including electronic cigarettes).

The suspension will be in effect for a minimum of five days until arrangements have been made to comply with the above. If the student and his/her family do not comply, the suspension will resume and continue until compliance is complete.

If the student has a second violation within one calendar year (365 days) the student and his/her family will

1. Agree to participate at their own expense in a chemical dependency evaluation at the county's Council on Alcoholism and Substance Abuse Services. Failure to keep the appointment will result in an immediate suspension from extra-curricular/ athletic activities until the appointment is rescheduled, AND
2. The student and his/her family will agree to participate in any higher treatment level or counseling recommended by the Superintendent of Schools or his/her designee. Any and all counseling or treatment is at the student's/family's expense. Subsequent violations will result in a twenty-week suspension from all extra-curricular activities. A suspension will be carried over to the following year. An appeal of the suspension may be made in writing to the Superintendent of Schools within one business day after the penalty is imposed.

D. In-School Suspension

The district recognizes that schools must balance the need of students to attend school and the need for order in the classroom. Therefore, building principals and the Superintendent may place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. The student and the student’s parent or guardian will, however, 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 penalty involved.

E. Teacher Disciplinary Removal of Disruptive Students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. The classroom teacher may control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to having short-term “time out” in an elementary classroom or in an administrator’s office, sending a student briefly into the hallway, sending a student to the principal’s office only for the remainder of the class time, or sending a student to a guidance counselor or other district staff member for counseling. Such time-honored classroom management techniques are not removals for purposes of this Code.

On occasion, however, a student’s behavior may become disruptive. For purposes of the Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with a teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules or otherwise makes it impossible for the teacher to conduct class.

A classroom teacher may remove a disruptive student from class for as much as two full days and part of a third day. In no event may the removal be for three full days.

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

Removal Steps By Teacher

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must explain to the student why the student is being removed and give the student an opportunity to explain his or her version of the relevant events before the student is removed. Only after such a discussion may a teacher remove a student from class.

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 or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four hours.

The teacher must complete a teacher referral form by the end of the first day of said removal. The teacher must be present at any meeting or conference between administrator and parent or guardian concerning the removal.

F. Administrative Disciplinary Removal Steps Of Disruptive Students

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

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

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

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

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law or this Code of Conduct.
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or a 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 forty-eight hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever occurs first.

G. Student Education During Removal

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

H. Suspension From School

Suspension is the denial of a student's right to attend school for violation of school system policy. Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

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

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

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

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent or guardian of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent or guardian. At the conference, the parent or guardian shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

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

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

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

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

An appeal of the decision of the Superintendent may be made to the Board of Education, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk

within thirty (30) calendar days of the date of the Superintendent's decision, unless the parent or guardian can show that extraordinary circumstances precluded them from doing so. The Board may choose to adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as when 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.

I. Mandatory Periods Of Suspension

a. 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 penalty, the Superintendent may consider the following: the student's age; the student's grade in school; the student's prior disciplinary record; the Superintendent's belief that other forms of discipline may be more effective; input from parent or guardian, teacher and/or others; and other extenuating circumstances.

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

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

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

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

J. Referrals

a. Counseling/Support/Assessment/Evaluation

The Guidance Office shall handle all referrals of students for counseling.

b. PINS Petitions

The district may refer a student to PINS Diversion or file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by

- 1) Being habitually truant and not attending school as required by part one of Article 65 of the Education Law,
- 2) Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school, and
- 3) Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05

c. Juvenile Delinquents and Juvenile Offenders

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

- 1) Any student under the age of 16 who is found to have brought a weapon to school, or
- 2) 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.

K. Corrective Instruction/Service Experience/Behavioral Management Plans

The district may develop plans that include corrective instruction or service experiences as consequences to student misconduct. Such plans shall be designed to change behavior in the future.

L. 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.

XII. BEHAVIOR RELATED OFFENSES AND CONSEQUENCES FOR STUDENTS

This section contains specific rules for student behavior and lists possible penalties based on the class of a violation of the rules. Students who commit a particular offense on more than one occasion may face Class 4 Penalties.

	UP TO AND INCLUDING CLASS 1	UP TO AND INCLUDING CLASS 2	UP TO AND INCLUDING CLASS 3	UP TO AND INCLUDING CLASS 4
Teacher Options	Verbal Warning Confiscation of Item(s) Written Assignment (related to offense) Restriction of Classroom Privileges Detention(s) Phone Call to Parent or Guardian Conference with Student and Appropriate Staff Referral to Office Peer Remediation	Referral to Office Teacher Removal (up to 2 full days/classes and part of a third day) Parent or guardian Conference	Immediate Referral to Office	Immediate Referral to Office
Administrator Options	Verbal Warning Confiscation of item(s) Written assignment (related to offense) Restriction of Privileges Phone Call to Parent or guardian Detention(s) Extended Detention In-School suspension (up to 2 days)	May impose penalty available for lower Class Offense Detention(s) Extended Detention(s) In-School Suspension (up to 5 days) Saturday Detention(s) *Social Suspension of all school sponsored activities (up to 30 days) Parent or guardian Conference Suspension from School (up to 5 days) Principal's Hearing Referral for counseling and/or evaluation	May impose penalty available for lower Class Offense Suspension from School (up to 5 days) Principal's Hearing Request for Superintendent's Hearing Referral for Local Law Enforcement Officials 20-Week *Social Suspension of all school sponsored activities unless covered under waiver for issues with substance abuse Referral to Substance Abuse Education Program	May impose penalty available for lower Class Offense Referral to Local Law Enforcement officials Superintendent's Hearing Youth Court Alternative Educational Placement

***Social suspension refers to sports, plays, dances, clubs, parking, privileges etc.**
Restitution for loss or damage may be required in addition to any of the above consequences.
Where appropriate, law enforcement officials will be involved.

OFFENSE & CODE	DEFINITION	CLASS
Alcohol Violation VADR19	Possessing, using, or being under the influence of any alcoholic substance (including liquids and powders) on school property including possession with intent to sell, give, deliver or distribute.	4
Arson VADR5	Deliberately starting a fire with intent to damage or destroy property with any device capable of producing sufficient heat to ignite combustible items.	4
Assault with Serious Physical Injury VADR4	Intentionally or recklessly causing physical serious injury to another person with or without a weapon. Serious physical injury requires hospitalization or treatment in an emergency room.	4
Assault with Physical Injury VADR7	Intentionally or recklessly causing physical injury to another person with or without a weapon. Physical injury includes, but is not limited to, black eyes, welts, bruises, etc.	4
Bomb Threat VADR14	A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has or will be placed on school property.	4
Burglary VADR11	Entering or remaining unlawfully on school property with intent to commit a crime	4
Cell Phones Cellp1	Sexting on cell phones is strictly prohibited.	4
Criminal Mischief VADR12	Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti	4
Drugs: Use, Possession, or Sale VADR18	Illegally possessing, using, selling, distributing or being under the influence of a controlled substance or a substance presented as such on school property including having such substance on one's person, in a locker, vehicle, or one's personal property or space. This includes the unlawful use of prescription drugs, over-the-counter drugs and look-alike drugs.	4
False Alarm VADR15	Falsely activating a fire alarm or other type of alarm that results in activation of emergency procedures.	4
Fireworks or Explosives Explo4	Possession, use and/or threat to use firecrackers, smoke bombs, flares, combustible or explosive substances or combination of substances or articles, including "poppers/caps/ blanks"	4
Larceny or Other Theft Offenses VADR13	Unlawful taking of personal property with intent to deprive the rightful owner of property	4
Reckless Endangerment VADR8	Engaging in conduct that creates a grave risk of death or serious physical injury which requires hospitalization or treatment in an emergency room. Examples include concussion, broken teeth or bones, cuts requiring stitches.	4
Riot VADI16	Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm	4
Robbery VADR3	Forcible stealing of property from a person by using or threatening the immediate use of physical force, with or without a weapon.	4
Sexual Offenses VADR2	Any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party; It includes, but is not limited to the following; touching or grabbing another student on the part of the body that is regarded as private, removing student's clothing to reveal private parts, brushing or rubbing against another student in a provocative manner, forcible compulsion of a sex act.	4

OFFENSE & CODE	DEFINITION	CLASS
Weapons Possession VADR17	Possession of an object or implement capable of causing harm or used in such a way to cause harm to another; this includes all guns, including pellet and BB guns, knives, and any implement, visible or concealed, possessed under a circumstance which would reasonably lead a person to believe it was a weapon.	4
Other Crimes Against Persons and Property Crime4	(NYS Penal Law Articles 125, 130). A person is guilty of a crime against a person as specified in the articles identified. Any other violation of the Provision of NYS Penal Law not herein specifically mentioned.	4
Computer/ Electronic Communication Misuse Comus3	Any unauthorized use of computers, software, or an internet/intranet account to access the internet/intranet; accessing inappropriate websites; misuse of a website, internet/intranet account or internet/intranet resource	3
Disorderly Conduct Disor3	A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, alarm or recklessly creating a risk thereof: 1) engaging in fighting or violent, tumultuous or threatening behavior or 2) in a public place, he/she uses abusive or obscene language, or makes obscene gestures in an effort to annoy or defy teachers, principals, or other supervisory personnel	3
Driving/Parking Violations Driv3	While operating or parking any motor vehicle on school campus, violation of any provision of the NYS Vehicle and Traffic Law, including, but not limited to reckless driving and speeding; parking in violation of parking permit rules and regulations	3 For additional penalties see Unique Offenses and Consequences following this chart
Fighting: minor altercations VADR9	Altercations involving physical contact and no physical injury. Striking, shoving, kicking, fighting with another person or subjecting another person to unwanted physical contact	3
Forgery Forg3	Falsifying documents	3
Hazing Hazin2	Intentional or reckless act(s) directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team	3
Intimidation/ Harassment/Menacing/ Bullying VADR10	Intentional & repeated acts of: threatening, stalking, or seeking to coerce a person to do something; intentionally placing another person in fear of imminent physical injury; engaging in verbal or physical conduct that threatens another with harm; purposefully excluding another person from activities; spreading rumors about another person; publicly humiliating another person.	3
Loitering Loit3	A person is guilty of loitering when he/she remains or wanders about a school or grounds with no specific legitimate reason for being there or without written authorization from anyone authorized to issue such permission	3
Indecent Exposure Indec3	Exposure to sight of the private parts of the body in a lewd or indecent manner	3
Multiple Class 1 and 2 Offenses Mult3	Multiple violations of the Code of Conduct in one incidence or over a period of time	3
Trespassing Tres3	Unauthorized presence on school property including while on a restrictive pass, suspension, or expulsion; a person is guilty of criminal trespass when he knowingly enters or remains unlawfully in a school building in violation of a personally communicated request to leave the premises from a principal, custodian or other person in charge thereof	3

OFFENSE & CODE	DEFINITION	CLASS
Cheating/Academic Dishonesty Cheat2	Copying, plagiarizing, altering records, or assisting another in such actions	2 For additional penalties see Unique Offenses and Consequences following this chart
Discrimination Dscrm2	Use of race, color, creed, national origin, religion, physical or mental disability, age, gender, sex, marital status, physical traits or sexual orientation as a basis for treating another in a negative manner	2
Disrespect toward adults Dsrep2	Inappropriate comments or physical gestures to teachers, staff members, or other adults in the school community	2
Disrespect toward peers Dsrep3	Inappropriate comments or physical gestures to peers in the school community	2
Disruption Incidences VADR20	Behavior that interferes with the learning of others in any learning environment, behavior disturbing the atmosphere or order, behavior that interferes with the safe and orderly environment of the school, school activity, or school property	2
Failure to Serve Assigned Consequences Consq2	Failure to serve detention, correction room, Saturday school, suspension or other assigned consequences	2
Insubordination Insub2	Refusing to follow reasonable directions of teachers, staff, administration, including failure to identify self; adamant and/or repeated refusal to follow directions of an administrator, teacher or other staff member	2
Laser Pointers and/or Shocking Devices Lazer3	Possession of items while on school grounds during the day or during extra-curricular activities	2
Lying Lyin2	Untruthful or false information	2
Profanity Prof2	Using (oral or written) vulgar or abusive language, cursing, swearing	2
Tobacco/Simulated Smoking Devices/Drug paraphernalia Tobac2	Possession and/or use of any tobacco or tobacco products, electronic smoking devices, or tobacco/drug paraphernalia, including possession with the intent to sell, give/deliver, or distribute on school grounds or during school activities.	2
Truancy Truan2	Unlawful absence without parental or guardian knowledge	2
Uncooperative Behavior Uncop2	Intentional failure to participate cooperatively in a school or class activity	2
Absence- unauthorized Absen1	Student who has absented himself/herself from instruction without authorization	1
Absence-unexcused Absnu1	An absence for a day or any portion of a day for any reason other than those cited as excused and/or failure to bring a note written by a parent or guardian to verify an excused absence.	1
Affection Affec1	Overt displays of affection which includes anything beyond holding hands	1
Cafeteria/Bus Rules Cafe1	Failure to follow posted or stated cafeteria/bus rules	1

OFFENSE & CODE	DEFINITION	CLASS
Cell Phones Cellp1	Cell Phones must be turned off and out of sight from 7:45 am to 2:22 pm for middle school and high school students and 9:00 am to 3:25 pm for elementary students. The building administrator or, within a particular learning area, the teacher may set rules that are more or less restrictive.	1 First offense: taken away and returned at the end of day to student Second offense: taken away and returned to parent or guardian Third offense: taken away and offense becomes Class 2
Dress Dress1	Violation of the school district's student dress code. Refer to the code on page 26 of this document.	1
Electronic Devices (games, music, video players, I-pods, etc.) Cellp1	Devices must be turned off and out of sight from 7:45 am to 2:22 pm for middle school and high school students and 9:00 am to 3:25 pm for elementary students. The building administrator or, within a particular learning area, the teacher, may set rules that are more or less restrictive.	1 First offense: taken away and returned at the end of day to student Second offense: taken away and returned to parent or guardian Third offense: taken away and offense become Class 2
General Misconduct Misc1	Behavior that interferes with the individual's learning	1
Supervision/ Lack of Super1	Student in or on school grounds beyond the regularly scheduled school day without supervision or in an area beyond/during school without authorization	1
Tardiness Tardy1	Lateness to school or class; tardiness to class of 20 minutes or more equals one class absence; three incidents of unexcused tardiness of less than 20 minutes equals one class absence	1

***Social suspension refers to sports, plays, dances, clubs, parking, privileges etc.**

Restitution for loss or damage may be required in addition to any of the above consequences.

Where appropriate, law enforcement officials will be involved.

UNIQUE OFFENSES AND CONSEQUENCES

1. Cheating/Academic Dishonesty: Academic penalties may also be imposed.
2. Driving/Parking Violation: After one warning, vehicle may be towed for parking violation.
3. Revocation of Work Permit: A student in grade six through twelve with nine (9) or more days unexcused absences in a semester will have his/her working permit revoked.

XIII. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Among other concerns, student dress should respect community values and others' sensibilities. Students and their parent or guardian have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall

1. Be safe, appropriate and not disrupt or interfere with the educational process
2. Not include articles of clothing, due to style or fit that expose undergarments, midriffs or other parts of the body in an indecent manner. Examples include: halter tops, tube tops, tops that have low-cut arm holes, crop tops, plunging necklines - front or back, short-shorts, etc. The examples cited do not apply to students in Pre-Kindergarten through Grade 3. Additional garments not listed may be considered indecent as well. This measure of indecency will be determined by the building administrator and be subject to disciplinary action.
3. Ensure that underwear is completely covered with outer clothing, including ensuring that pants cover all areas traditionally covered by underwear.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed. Shoes with rollers, ("healie" or similar shoes) are prohibited.
5. Not include the wearing of hats, headgear, or bandanas during the instructional day, except for medical or religious purposes. Elementary students are permitted to wear hats while entering and leaving the building.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race (e.g. display of Confederate flag), color, religion, ancestry, national origin, sex, sexual orientation or disability or that violate the DASA and other expectations of this Code.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Not include wearing of outerwear such as winter coats, trench coats, or jackets during the instructional day, except for medical or religious purposes, or during school productions and/or special days as approved by the Superintendent.
9. Not include wearing of pajamas or pajama-like clothing.

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

Students who violate the student dress code shall be required to modify their appearance by correcting the offense. Any student who refuses to do so shall be subject to discipline, up to and including out-of-school suspension.

School administrators have the right to make the final decision as to whether or not a student is in compliance with the dress code. School administrators shall be charged with looking at all complaints or students brought to their attention and enforcing the rules consistently in all cases.

XIV. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

A. Authorized Suspensions Or Removals Of Students With Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply: A "suspension" means a suspension pursuant to Education Law §3214. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to forty- five days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The Board, the District (BOCES) Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The Superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five days, if the student possesses or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except (for) a pocket knife with a blade of less than 2 ½ inches in length."
- "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change Of Placement Rules

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

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

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

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

C. Special Rules Regarding The Suspension Or Removal Of Students With Disabilities

1. The district's Committee on Special Education shall

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

Subsequently, if a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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

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

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

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

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either

(1) conducted an individual evaluation and determined that the student is not a student with a disability, or

(2) determined that an evaluation was not necessary and provided notice to the parent or guardian of such determination, in the manner required by applicable law and regulations.

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

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

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

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

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

6. The removal of a student with a disability other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

D. Expedited Due Process Hearings

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

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

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

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

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

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

E. Referral To Law Enforcement And Judicial Authorities

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

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

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

SCHOOL PERSONNEL CONDUCT

XV. ALL SCHOOL PERSONNEL

All district personnel are expected to demonstrate behavior consistent with the following guidelines as well as all other applicable provisions of this Code of Conduct.

1. Show respect to all people involved in the district community.
2. Promote a safe, orderly, and stimulating school environment.
3. Know school policies and rules.
4. Dress in an appropriate manner.
5. Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other factor.
6. Confront issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, staff member or person lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.
8. Report incidents of harassment and discrimination that are witnessed or otherwise brought to his/her attention in a timely manner.

XVI. TEACHERS

1. Be prepared to teach.
2. Demonstrate interest in teaching and concern for student achievement.
3. Know school policies and rules and enforce them in a fair and consistent manner.
4. Communicate the following to students and parent or guardian:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
5. Communicate regularly with students, parents or guardians and other teachers concerning growth and achievement.
6. Dress in an appropriate, professional manner.

XVII. GUIDANCE COUNSELORS

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher, student, counselor conferences and parent or guardian, teacher, student, counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review their educational progress and career plans with students.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Dress in an appropriate, professional manner.

XVIII. PRINCIPALS AND ASSISTANT PRINCIPALS

1. Promote a safe, orderly and stimulating school environment that supports active teaching and learning.
2. Ensure that students and staff have meaningful opportunities to communicate regularly with the principal.
3. Evaluate all instructional programs on a regular basis.
4. Support the development of, and student participation in, appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Respond promptly and professionally to inquiries or complaints from other members of the school community.
7. Dress in an appropriate, professional manner.

XIX. SUPERINTENDENT AND ASSISTANT SUPERINTENDENTS

1. Promote a safe, orderly and stimulating school environment that supports active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Dress in an appropriate, professional manner.

XX. BOARD OF EDUCATION MEMBERS

1. Collaborate with student, teacher, administrator, and parent or guardian organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.

2. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Dress in an appropriate, professional manner.

NON-SCHOOL PERSONNEL

XXI. PARENT OR GUARDIAN

1. Recognize that the education of your child(ren) is a joint responsibility of parent or guardian and the school community.
2. Send your child(ren) to school ready to participate and learn.
3. Ensure that your child(ren) attend school regularly and on time.
4. Ensure that absences are excused.
5. Insist your child(ren) be dressed and groomed in a manner consistent with the student dress code.
6. Help your child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, respectful, educational environment.
7. Know school rules and help your child(ren) understand them.
8. Convey to your child(ren) a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parent or guardian and your child(ren)'s friends.
10. Help your child(ren) deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Any parent or guardian attending school functions (sporting events, concerts, parent or guardian conferences, etc.) are subject to the expectations set forth in the Code of Conduct. The initial violation of the Code will be addressed with a verbal reminder by the administrator or designated event supervisor. Successive infractions in the same year will result in removal from school property. Once a parent or guardian is removed, he/she must meet with the building principal or athletic director (regarding athletic events) prior to being readmitted on school property. If, after being readmitted, an incident occurs, the parent or guardian will not be permitted on school property for athletic events or other programs during the remainder of the school year.

XXII. VISITORS

The Board of Education encourages a parent or guardian and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or a designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.

2. All visitors to the school must report to the office of the principal or other designated place upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge and sign out on the visitor's register before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent or guardian-teacher organization meetings or public gatherings, are not required to register.
4. Any parent or guardian or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or a designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors attending school functions are subject to the expectations set forth in the Code of Conduct. The initial violation of the Code will be addressed with a verbal reminder. Successive infractions in the same year will result in removal from school property. Once a visitor is removed, he/she must meet with the building principal or athletic director (regarding athletic events) prior to being readmitted on school property. If, after being readmitted, an incident occurs, the visitor will not be permitted on school property for the remainder of the year.

REPORTING VIOLATIONS/FILING COMPLAINTS

XXIII. REPORTING VIOLATIONS

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

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

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

The building principal or a 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 a designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

XXIV. PROCEDURES FOR FILING COMPLAINTS

Anyone wishing to complain about the conduct of school personnel or policies should take the following steps in attempting to resolve the complaint:

1. Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in such conduct or responsible for such policy.
2. All aggrieved individuals who do not wish to communicate directly with such persons, or if direct communication with the person has been unavailing, shall contact that person's immediate supervisor. Anyone who is uncertain as to an immediate supervisor may contact either the Superintendent's office or the building principal's office. All school personnel who receive a complaint must respond promptly and professionally. All administrators responding to a complaint shall do so in writing, indicating the results of their investigation and what, if any, action was taken in response to the complaint.
3. All aggrieved individuals whose contact with an immediate supervisor has been unavailing may then communicate with the relevant school administrator.
4. Aggrieved persons alleging harassment or discrimination by anyone with supervisory authority or alleging failure of supervision to take immediate action on the individual's complaint shall contact the Superintendent of Schools.
5. A member of a collective bargaining unit, may also file a grievance through the collective bargaining grievance procedure.
6. All aggrieved individuals who have not resolved their complaint after review by the Superintendent may then communicate (initially in writing) with the Board of Education.

A. Examples Of Steps To Resolve Complaints:

1. Complaint about Coach
 - a. Communicate directly with coach if comfortable
 - b. Communicate with Athletic Director (preferably in writing)
 - c. Communicate with high school or middle school principal, depending on the sport
 - d. Next, communicate with the Superintendent
 - e. Next, communicate (initially in writing) with the Board of Education
2. Complaint about Bus Conduct
 - a. Communicate directly with the bus driver if comfortable
 - b. Next, communicate with the bus supervisor
 - c. Next, communicate with the building principal
 - d. Next, communicate with the Superintendent
 - e. Next, communicate (initially in writing) with the Board of Education

XXV. PROHIBITION AGAINST RETALIATION

Albion Central School District prohibits retaliatory actions against any person, who has made a good-faith complaint or has assisted or cooperated in an investigation of a complaint by someone else. Retaliation in violation of this policy is as serious as the violation itself and will be treated accordingly. Retaliation includes but is not limited to intimidation, threats and reprisals as a result of bringing a good faith complaint or assisting in the investigation of a complaint.