

HASTINGS PUBLIC SCHOOLS

HASTINGS-ON-HUDSON, N.Y. 10706

# DISTRICT CODE OF CONDUCT

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## Code of Conduct

# I. Introduction

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

Hastings Public Schools recognizes the uniqueness and importance of education in assisting children in the transition from childhood to adulthood. Within the schools' structured and nurturing environment, each student is offered opportunities to develop and practice personal responsibility, accountability, initiative, citizenship, character, honesty, integrity, acceptance and respect for others.

The schools are dedicated to balancing and enhancing each individual's social, personal, and intellectual growth and to the development of a positive self-concept. The home, school and community will work cooperatively to develop the talents, abilities, and attitudes of each child. "No student shall be subjected to harassment by District staff or students on school property or at school functions. Nor shall any student be subjected to discrimination by District staff or students on school property or at school functions based upon their actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex."

The Board recognizes the need to support the schools in their effort to help students develop lifelong capacities to enjoy learning, working, and relating to others. To this end, the Board recognizes the need to define acceptable behavior on school property and to identify the possible consequences of inappropriate behaviors, which interfere with this positive learning environment. Therefore, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians and other visitors when on school property or attending a school activity or function, which includes, but is not limited to, remote instruction/remote learning.

# II. Definitions

For purposes of this code, the following definitions apply.

**"Color"** Color can be defined as a person's pigmentation, complexion, or skin shade or tone.

**"Disability"** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in the context of employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the individual from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**"Student with a disability"** means a student who, because of mental, physical or emotional reasons, can only receive appropriate educational opportunities from a program of special education. This phrase does

not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

**“Disruptive student”** means a Hastings student who is repeatedly and/or substantially disruptive of the educational process or repeatedly and/or substantially interferes with the teacher’s authority over the classroom.

**“Employee and/or School personnel and/or District staff”** means any person receiving compensation from the Hastings Union Free School District, or employee of a contracted service provider, or worker placed within the school under a public assistance employment program, for the provision of educational or related services to Hastings Union Free School District, its students or staff.

**“Harassment”** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person’s pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), or sex.

**“Parent(s)/Guardian”** means parent, guardian or person in parental relation to a student.

**“Race”** includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. (As set forth in the Dignity Act -- Section 11[9].) **“Protective hairstyles”** includes, but is not limited to, such hairstyles as braids, locks, and twists. (As set forth in the Dignity Act -- Sections 11[10].)

**“School bus”** means every motor vehicle owned and operated by the Hastings Union Free School District for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity and a motor vehicle privately owned and operated for compensation for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school functions.

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

**“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 the Hastings School District, remote learning.

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

**“Sexual orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality. **“Gender”** means actual or perceived sex and includes a person’s gender identity or expression.

**“Violent student”** means a Hastings student who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon or cause physical injury or damage school property.

6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

7. Knowingly and intentionally damages or destroys school District property.

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means, but it is not limited to, any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, leather-man utility knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, laser pointer or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## III. Student Rights and Responsibilities

### A. Dignity for All Students Rights

The Dignity for All Students Act (Dignity Act) ensures that no student is subject to discrimination or harassment, based on a person’s actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person’s pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice disability, sexual orientation, gender (including gender identity and expression) identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and continued at school.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as “cyber-bullying.”

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. Expect a school environment that is conducive to learning
2. Be treated respectfully by those in the school community
3. Take part in all District activities on an equal basis regardless of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person’s pigmentation, complexion, or skin shade or tone), creed, national origin, religion, gender (including gender identity and expression), sexual orientation or disability (consistent with the District’s Anti-Harassment Policy)
4. Be provided with school rules, and when necessary, receive an explanation of those rules from school personnel
5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty, in connection with the imposition of that penalty.

### B. Student Rights

The Hastings Public Schools are 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 students have the right to:

1. Take part in all District activities on an equal basis regardless actual or perceived of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression), sex, or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. All students have the right to be free from harassment by District staff or students on school property or at school functions.
5. All students have the right to be free from discrimination by District staff or students on school property or at school functions based upon their actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

### **C. FERPA Rights**

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over 18 certain rights with respect to the student's education records. In summary, they are:

1. The right to inspect and review the student's education records within 45 days of the request.
2. The right to request a change in records believed to be inaccurate or misleading.
3. The right to consent to disclosures of personally identifiable information in student records, except that specified by FERPA as not needing consent.
4. The right to file a complaint with the US Dept. of Education concerning District failure to comply.

### **D. Student Responsibilities**

All Hastings Public Schools students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond in a respectful, positive manner to direction given by teachers, administrators and other school personnel.
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 a disciplinary action.

9. Follow the school Dress Code, at school and school functions.
10. Accept responsibility for their actions
11. Conduct themselves as representatives of the District when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standard of conduct, demeanor, and sportsmanship.
12. All students have the responsibility not to engage in harassment on school property or at school functions.
13. All students have the responsibility to not engage in discrimination based upon another student's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),, color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

## **IV. Essential Partners**

### **A. Parents/Guardians**

All Hastings Public Schools parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community.
2. Send their children to school in-person or remotely ready to participate and learn.
3. Ensure their children attend school in-person or remotely regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code when attending school in-person or on video during remote learning.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment and assist students in developing effective decision-making practices.
7. Know and support the implementation of school rules for their children.
8. Convey to their child(ren) a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents/guardians and their child(ren)'s friends.
10. Help their children 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. Discuss with their child(ren) the importance of mutual respect and dignity for their peers regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),, color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

## **B. Teachers / Support Staff**

All Hastings Public Schools teachers/support staff are expected to:

1. All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events as outlined in the District's Code of Conduct.
2. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),, color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Communicate to students and parents/guardians: a) Course objectives and requirements b) Marking/grading procedures c) Assignment deadlines d) Expectations for students e) Classroom discipline plan.
7. Communicate regularly with students, parents/guardians and other teachers concerning growth and achievement and assist students in developing effective decision making practices.
8. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, District staff or any person who is lawfully on school property, on remote learning, or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school, classroom setting, or on remote learning.
10. Report incidents of discrimination and harassment that are witnessed by the teacher, or otherwise brought to the teacher's attention, in a timely manner to the Complaint Officer or the Building Principal.

## **C. 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/teacher/student/counselor conferences, as necessary, as a way to prevent and resolve problems and assist students in developing effective decision making practices.
3. Regularly review with students their educational progress and future career goals.
4. Provide information to assist students with high school course selections.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),, color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

7. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, District staff or any person who is lawfully on school property, on remote learning, or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school, classroom setting, or on remote learning.
9. Report incidents of discrimination and harassment that are witnessed by the guidance counselor, or otherwise brought to the guidance counselor's attention, in a timely manner to the Complaint Officer or the Building Principal.

#### **D. Principals /Assistant Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs and assessments.
4. Support the development of and student participation in appropriate activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Encourage and support the implementation of on-going Professional Development of all staff.
7. Assist students in developing effective decision making practices.
8. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists),, color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
9. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, District staff or any person who is lawfully on school property, on remote learning, or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school, classroom setting, or on remote learning.
11. Report incidents of discrimination and harassment that are witnessed by the Principal, or otherwise brought to the Principal's attention, in a timely manner to the Complaint Officer.
12. Along with the Complaint Officer, investigate incidents of discrimination and harassment that are witnessed by the principal, or otherwise brought to the principal's attention, in a timely manner.

#### **E. The Dignity Act Coordinator(s)**

The Dignity Act Coordinator(s) are as follows:

Melissa Szymanski, Assistant Superintendent Curriculum and Instruction [szymanskim@learn.hohschools.org](mailto:szymanskim@learn.hohschools.org)  
(914) 478-3100

Melissa Hardesty, Assistant Principal, Hastings High School  
hardestym@hohschools.org (914) 478-6255

Anil Edward, Assistant Principal, Farragut Middle School  
edwarda@hohschools.org (914) 295-3071

Michael Larocco, Assistant Principal, Hillside Elementary School  
larocom@hohschools.org (914) 478-6281

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management both in-person and on remote learning; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property, on remote learning, or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

#### **F. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends 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. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

7. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, District staff or any person who is lawfully on school property, on remote learning, or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school, classroom setting, or on remote learning.

### **G. Board of Education**

1. Collaborate with student, teacher, administrator, and parent 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, on remote learning, 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. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
5. Address personal biases that may prevent equal treatment of all students in the school, classroom setting, or on remote learning.

## **V. Student Dress Code**

The Hastings Public Schools embrace and honor individuality, creativity, and personal style. Dress and personal appearance can be a creative outlet for many students as well as a valued component of one's personal identity. We honor these values but expect clothing choice to be appropriate for the educational environment, including school functions.

All Hastings Public Schools students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Clothing, shall:

1. Be safe, and not disrupt or interfere with the educational process.
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. Not include items that are vulgar, obscene, and libelous or denigrate others on account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, religion, creed, national origin, ethnic group, religious practice, gender (including gender identity and expression), sex, sexual orientation or disability.
4. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or their designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline up to and including in-school suspension for one day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. Prohibited Student Conduct**

The best discipline is self-imposed and students must learn to assume and accept responsibility for their own behavior as well as the consequences for that behavior. Hastings Public Schools personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Hastings Public Schools personnel recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct are intended to focus on safety and respect for the rights and property of others. Students who do not follow school rules will be subject to disciplinary action up to and including suspension if they:

### **A. Engage in conduct that is disorderly. Examples of disorderly conduct may include:**

1. Running in hallways.
2. Making disruptive noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Computer/electronic communications misuse, including any unauthorized use of computers, cyber-bullying, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

### **B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel, or otherwise demonstrating disrespect.
2. Missing or leaving school without permission.
3. Skipping detention.

### **C. Engage in conduct that is disruptive. Examples of disruptive conduct may include:**

1. Lateness for classes without permission.
2. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel.

### **D. Engage in conduct that is violent. Examples of violent conduct may include:**

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school personnel or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person on school property or attempting to do so.
3. Possessing a weapon.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District personnel or any person on school property.
7. Intentionally damaging or destroying school District property.

**E. Engage in any conduct that endangers the safety, health or welfare of others. Examples of such conduct may include:**

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person on school property or attending a school function.
3. Defamation, including cyber-bullying which may include making false statements or representations about an individual or a group of individuals that harm the reputation of the person or group.
4. Discrimination, which may include the use of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression), sex, sexual orientation or disability as a basis for treating another in a negative manner.
5. Bullying, including cyber-bullying against an individual or group which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as, ridiculing or demeaning.
6. Harassment, which includes the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
7. Intimidation, which may include engaging in actions or statements that a reasonable person may perceive as threatening.
8. Unauthorized selling of any materials.

9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing, smokeless, or herbal tobacco.
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
12. Inappropriately using, sharing or selling prescription and over-the-counter drugs.
13. Gambling.
14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Hazing. Hazing is defined as any activity that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or membership in or affiliation with any organization recognized by the Board.
17. Usage of cell phones to record, store or transmit any information in school during the academic day.
18. Usage of picture cell phones to take photographs on school property unless specifically authorized by the Principal or their designee.
19. Usage of any musical device and headphones allowed only during lunch and recess.
20. Bringing, selling and/or consuming any “high energy beverages”.

**F. Engage in misconduct while on a school bus, or while waiting for or departing from said school bus.**

**G. Engage in any form of academic misconduct. Examples of academic misconduct may include:**

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions

## **VII. Bus Rules and Regulations**

The Hastings-on-Hudson Union Free School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student’s Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport their passengers safely.

The Board of Education, the Superintendent and/or their designee have the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers/bus monitors shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

## **VIII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or their 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 students who are witnesses to, or subjected to, incidents of discrimination, harassment and/or bullying by another student, by any District staff and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to a teacher, guidance counselor, the building principal or their designee.

After witnessing, or receiving a report of, a violation of the Code of Conduct or of discrimination, harassment and/or bullying against any student, all District staff who are authorized to impose disciplinary sanctions are expected to investigate the situation and impose appropriate disciplinary sanction as necessary in a prompt, fair and lawful manner.

After witnessing, or receiving a report of, a violation of the Code of Conduct or of discrimination, harassment and/or bullying against any student, District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct and/or incidents of discrimination, harassment and/or bullying against any student to their supervisor, who shall in turn investigate the situation and impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to investigate the situation and impose an appropriate sanction. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parents/guardians of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution. The building principal or their 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 their 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.

All parents and/or visitors who are witnesses to, or receive a report of, a violation of the Code of Conduct or discrimination, harassment and/or bullying by a student, by a District staff member and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to District staff.

It is essential that all targets and persons with knowledge of incidents of discrimination and/or harassment report such behavior as soon as possible after the incident so that it may be effectively investigated and resolved. The Hastings Union Free School District will promptly and equitably investigate all complaints, formal or informal,

verbal or written. In order to assist investigators, individuals should document any incident of discrimination and/or harassment as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident. If, after appropriate investigation, the Hastings Union Free School District finds that a student, a District staff member or a third party has violated the Code of Conduct, prompt corrective action and possibly disciplinary action will be taken in accordance with this Code of Conduct, applicable collective bargaining agreements, District policy and state law.

## **IX. Disciplinary Consequences, Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

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

This means that a student's first violation will usually merit a lighter consequence than subsequent violations. "If the student in question has been classified as disabled or if the school District has reason to believe such classification may be warranted, the student shall be referred to the Committee on Special Education to ascertain whether the misconduct is related to a disability, in accordance with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. Discipline, if warranted, shall be administered consistent with said provisions of this Code and with applicable law." A student identified as having a disability shall be disciplined for behavior related to their disability only to the extent permitted by law, and in accordance with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability"

### **A. Consequences**

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process. The specific responsibilities of the listed school personnel are detailed in *Section IX. B. Procedures*.

1. Oral warning - any member of the Hastings Public Schools staff.
2. Written warning and MIR (Minor Incident Report) or Referral - hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, and superintendent.

3. Detention - Written notification to parents/guardians, coaches, teachers, principal, assistant principal, and superintendent.
4. Suspension from transportation if applicable and timely - director of transportation, principal, and superintendent.
5. Suspension from athletic participation if applicable and timely - athletic director, coaches, principal, and superintendent. Suspension from social or other extracurricular activities if applicable and timely - principal, and superintendent.
6. Suspension of other privileges if applicable and timely - principal, and superintendent.
7. Removal from classroom by teacher - teachers, principal, assistant principal, guidance counselor, superintendent.
8. In-school suspension - principal, superintendent.
9. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education.
10. Long-term (more than five days) suspension from school - principal, superintendent, Board of Education.
11. Permanent suspension from school - superintendent, Board of Education.

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence. Students who are to be given consequences other than an oral warning, written warning or written notification to their parents/guardians are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

### **1. Detention**

Teachers, assistant principals, principals and the Superintendent may use morning, lunch, or after school detention (after 3:15p.m.) as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student's parent/guardian has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

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

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's/assistant principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the director of transportation, building principal, or the superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that their child gets to and from school safely. 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. However,

the student and the student's parent/guardian will 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 consequence involved.

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

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

### **4. Teacher disciplinary removal of disruptive students**

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

- (1) short-term "time out" in the classroom or in an administrator's office;
- (2) requesting assistance to escort a student to the guidance counselor, assistant principal, or principal;
- (3) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

For that reason, a classroom teacher may remove a disruptive student from class for up to two class periods. Further removal may be imposed by the principal or designee pending further investigation. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a 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 their version of the relevant events within 24-hours.

The teacher must complete a referral form and meet with the principal or their designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents/guardians, in writing, that the student has been removed from class and

why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

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

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

The principal or the principal's designee may overturn the removal of the student from class if any of the following exist.

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed. The principal or their designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal or principal's designee makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
- Each teacher must keep a complete log for all cases of removal of students from their class. The principal or principal's designee must keep a log of all removals of students from class. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from their class until he or she has verified with the principal, principal's designee or the director of pupil personnel that the removal will not violate the student's rights under state or federal law or regulation.

## **6. Suspension from school**

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals. All staff members must immediately report and refer a violent student to the principal, principal's designee or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member referring the student.

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

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

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law

§3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/guardians of the right to request an immediate informal conference with the principal.

Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the conference, the principal shall promptly advise the parents/guardians in writing of their decision. The principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal or principal's designee determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents/guardians 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 their behalf.

The superintendent shall personally hear and determine the proceeding or may, at their 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 them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the Board that will make its

decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the superintendent's decision, unless the parents/guardians can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

### c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

## **C. Minimum Periods of Suspension**

### 1. Students who bring a weapon to school.

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the following:

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

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

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

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom. Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of

Conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum five-day suspension, the student and the student’s parent/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 consequence exceeds the minimum five-day suspension, the student and the student’s parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Referrals**

##### **1. Counseling**

The guidance office shall handle all referrals of students to counseling.

##### **2. PINS Petitions**

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

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

3. Juvenile Delinquents and Juvenile Offenders. The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

#### **E. Remedial Measures**

In order to create and maintain a positive learning environment for all students, the Hastings Union Free School District believes that certain remedies and procedures which focus on intervention and education should be utilized. Such remedial measures are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act(s). District staff is authorized to provide for:

1. Peer support groups, corrective instruction and/or other relevant learning or service experiences;
2. Supportive intervention; student(s), parent(s), staff;
3. Behavioral assessment(s), evaluation(s) and/or clinical assessment(s);
4. Behavioral management plans;

5. Student counseling and parent conferences/consultations;
6. Adult and/or peer conflict resolution.

## **X. 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.

## **XI. Discipline of Students with Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the Code of Conduct, the following definitions apply.
  - A **“suspension”** means a suspension pursuant to Education Law § 3214.
  - A **“removal”** means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others. An **“IAES”** means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
  - A **“program”** is defined as including all services required under the student’s IEP, including but not limited to academic activities and support, therapies, counseling, and transportation.
2. For the purpose of imposing discipline of a student with a disability, school personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:
  - The Board, the District (BOCES) Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or
  - suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

a. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

b. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

c. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- **“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 1/2 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 healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

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

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

a. for more than 10 consecutive school days; or

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

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

3. "A student who is the subject of a disciplinary change in placement will be provided such special education and related services that are determined by the CSE to be necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in their IEP for the duration of the suspension or removal."

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

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

- a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from their current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
- b) 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 a plan and its implementation, to the extent the committee determines necessary.
- c) 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 parents/guardians 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.

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.

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:

- Conducted an individual evaluation and determined that the student is not a student with a disability, or
- Determined that an evaluation was not necessary and provided notice to the parents/guardians 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.

- The District shall provide parents/guardians 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.
- The parents/guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.
- Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a consequence phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- 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/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.
    - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES

pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the District agree otherwise.

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

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

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

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## **XII. Corporal Punishment**

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

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

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

## **XIII. Student Searches and Interrogations**

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

In addition, the Board authorizes the Superintendent, building principal or designee, school nurse, or guidance counselor to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

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

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

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

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

#### **B. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or Policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

#### **C. Documentation of Searches**

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

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

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

#### **D. Police Involvement in Searches and Interrogations of Students**

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

Before police officials are permitted to question or search any student, the building principal or designee shall first try to notify the student's parent/guardian to give the parent/guardian the opportunity to be present during the police questioning or search. If the student's parent/guardian cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted unless the student is 16 years of age or older. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

#### **E. Child Protective Services Investigations**

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

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

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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

## **XIV. Visitors to the Schools<sup>1</sup>**

The Board encourages parents/guardians 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 their 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. All visitors must receive approval from the principal.
2. All visitors must complete required paperwork.
3. Anyone who is not a regular staff member or student of the school will be considered a visitor.
4. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
5. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
6. Parents/guardians 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. With respect to observations of classified students, any such policy only permits parental observations and observations by experts that are authorized by the CSE or appropriate District Officials (i.e., Director of Special Education) and where the principal/teacher is notified in advance of the visit.
7. Teachers are expected not to take class time to discuss individual matters with visitors.
8. Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
9. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XV. Public Conduct on School Property**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel. The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the

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<sup>1</sup> For the 2021-22 School Year, visitors are not permitted in school buildings due to COVID-19 mitigating strategies, except in special circumstances and for prescribed adherence to after-hour extracurricular events. Please see the COVID-19 Management Document, 2021—22 for details, available [HERE \(https://www.hohschools.org/cms/lib/NY01913703/Centricity/Domain/4/9.24.21%20HoH%20Covid-19%20Management%20-%202021-2022.pdf\)](https://www.hohschools.org/cms/lib/NY01913703/Centricity/Domain/4/9.24.21%20HoH%20Covid-19%20Management%20-%202021-2022.pdf).

These regulations and guidelines are updated regularly, per new guidance from the New York State Department of Education, New York Department of Health and Westchester County Department of Health.

objectives of the District. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
4. Disrupt the orderly conduct of classes, school programs or other school activities.
5. 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.
6. Intimidate or harass any student or discriminate against any student on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color (a person's pigmentation, complexion, or skin shade or tone), weight, creed, national origin, ethnic group, religion, age, religious practice, gender (including gender identity and expression), sex, sexual orientation or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles;
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### **B. Consequences**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a or any other legal rights that they may have, and as prescribed by the applicable collective bargaining agreement.
4. Staff members in the classified service of the civil service are entitled to the protection of Civil Service Law §75 and as prescribed by the applicable collective bargaining agreement. 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 as prescribed by the applicable collective bargaining agreement.

### **C. Enforcement**

The building principal or their designee shall be responsible for enforcing the conduct required by this code. When the building principal or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or their 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 their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Consequences" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XVI. Dissemination and Review**

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

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents/guardians at the beginning of the school year.
3. Mailing a summary of the Code of Conduct written in plain language to all parents/guardians of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the code available for review by students, parents/guardians and other community members.
7. Posting the complete code on the District's website.
8. The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The purpose of this in-service education is to promote a safe and supportive school climate while discouraging, among other things, discrimination and/or harassment against students by students and/or District staff and to guide District staff on the inclusion of safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. The Board of education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents/guardians, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.