

FARRAGUT MIDDLE SCHOOL
HASTINGS-ON-HUDSON, N.Y. 10706

CODE OF CONDUCT

Project SAVE Summary

Last revision – September 2017

Code of Conduct

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.

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

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 discriminations by District staff or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. This means that all students will be encouraged to participate in school activities regardless of his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

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

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

Student Rights and Responsibilities

Student Rights

The Hastings on Hudson 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 students have the right to:

1. Take part in all District activities on an equal basis regardless of his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender (identity or expression), sex, 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 his/her actual or perceived

race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

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.

Student Responsibilities

All 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 standards of conduct, demeanor, and sportsmanship.
12. Not engage in harassment on school property or at school functions.
13. Not engage in discrimination based upon another student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, or gender.
14. Follow the *Positive Behavior Intervention Supports* matrix, which provides expectations for all students to demonstrated behaviors that are respectful, responsible, safe, and which are designed to solve problems.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, 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 the wearing of hats in the classroom except for a medical or religious purpose.
4. Not include items that are vulgar, obscene, libelous, or denigrate others including, but not limited to vulgar, obscene, libelous, or denigrating others on account of actual or perceived race, color, weight, religion, religious practice, creed, national origin, ethnic group, gender (identity or expression), sex, sexual orientation, or disability.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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.

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. All 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. All 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 while 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 includes the use of actual or perceived race, color, weight, creed, national origin, religion, religious practice, gender (identity or expression), sex, sexual orientation, or disability as a basis for treating another in a negative manner.
5. Bullying, or cyber-bullying, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which is 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 his/her physical safety; such conduct, verbal threats, intimidation, or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, creed, national origin, religion, religious practice, gender (identity or expression), sex, sexual orientation, or disability.
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, vaping, cigar, pipe, or using chewing, smokeless, or herbal tobacco.
11. Possessing, consuming, selling, distributing, exchanging, or being under the influence of alcoholic beverages, synthetic cannabinoids, or illegal substances.
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 his/her designee.
19. Bringing, selling, and/or consuming any "high energy beverages".
20. Having a cellphone or mobile device on one's person during the school day.

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

H. Bringing a cellphone on a school trip.

Reporting Violations

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

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.

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 parents/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 his/her disability only to the extent permitted by law, and in accordance with the separate requirements of this

Code of Conduct for disciplining students with a disability or presumed to have a disability.”

A. Consequences

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

- ◆ Oral warning – any member of the Hastings Public Schools staff
- ◆ Written warning and MIR (Minor Incident Report) – hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, and Superintendent
- ◆ Detention - Written notification to parents/guardian, coaches, teachers, principal, assistant principal, and Superintendent.
- ◆ Suspension from transportation if applicable and timely – director of transportation, principal, and Superintendent.
- ◆ 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.
- ◆ Suspension of other privileges if applicable and timely – principal, and Superintendent
- ◆ Removal from classroom by teacher – teachers, principal, assistant principal, guidance counselor, Superintendent.
- ◆ In-school suspension – principal, Superintendent
- ◆ Short-term (five days or less) suspension from school – principal, Superintendent, Board of Education.
- ◆ Long-term (more than five days) suspension from school – principal, Superintendent, Board of Education.
- ◆ 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. The following are a few important definitions of consequences that all students need to know.

Teacher disciplinary removal of disruptive students

- ◆ A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternate 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.**

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 his or her 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 good cause for the delay in 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 Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent or building principal 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 his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the District Clerk within 30 business days of the date of the Superintendent's decision, unless the parents/guardians can show good cause for the delay in filing the appeal. 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.

Minimum Periods of Suspension

- ◆ 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
- ◆ 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.
- ◆ 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

- ◆ A student with a disability may be suspended in accordance with Section X of the District's Code of Conduct and the requirements of state and federal law.