



# **Harrison Central School District**

## **Code of Conduct 2018-19**

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## **CODE OF CONDUCT**

### **Introduction**

The Board of Education of the Harrison School District 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. The Board of Education believes that order and discipline is a shared responsibility between school, home and community. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal, which is critical to a successful academic program.

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. Students, staff, parents, community members, and visitors are expected to uphold these standards to promote and ensure a safe and orderly school community where students can flourish and fulfill their potential.

The Board acknowledges the need to clearly define expectations for acceptable conduct, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct.

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors or contractors when on school property or attending a school function or a school-related or school-sponsored activity. The Code also applies to off-campus conduct that may endanger the health or safety of pupils within the educational system or adversely affect the educative process.

### **Definitions**

For purposes of this Code, the following definitions apply.

"Disruptive student" means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or a school activity.

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation for the transportation of pupils,

children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

“School function” means any school-sponsored activity during or after school. This also includes school sponsored activities taking place off school property (i.e. field trips, athletic events, etc.).

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

“Violent student” means a student under the age of 21 who: (a) commits or attempts to commit an act of violence upon another student, employee, or any other person on school property or at a school function; or (b) possesses, displays, attempts to display, or threatens others with a weapon or what appears to be a weapon; or (c) knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function; or (d) knowingly and intentionally damages or destroys school district property.

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

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

“Gender” means actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group,

religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

“Weapon” means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to, any other gun, BB gun, pistol, revolver, shotgun, rifle, air gun, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, sling shot, metal knuckles knife, box cutter, can sword, electronic dart gun, martial arts implement, electronic stun gun, stick, pepper spray or any other noxious spray, explosive or incendiary bomb, or any other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **Student Rights & Responsibilities**

### ***Student Rights***

Each school is committed to safeguarding the rights given to all students under state and federal law. Consistent with the District’s mission of providing an education committed to access and equity for all students, each student has the right to be an active learner in a safe learning environment. No student has the right to harass, threaten or intimidate another student. No student has the right to interfere with the education of his/her fellow student or with the proper environment necessary to obtain it. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Participate in school activities on an equal basis, subject to necessary restrictions based on health and safety, regardless of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

### ***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 related to 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, artistic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Follow directions given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Ask questions when they do not understand.

7. Seek help in solving problems that might lead to discipline steps being imposed by a teacher or administrator.
8. Dress appropriately for school and school functions. (See Student Dress Code)
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the Harrison Central School District when participating in or attending school-sponsored field trips, extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship and conduct themselves appropriately off school grounds, particularly when their conduct has the potential to endanger the health or safety of pupils within the educational system or adversely affect the educative process.

### **Essential Partners**

Communication is essential for a successful partnership between home and school, and proactive communication is encouraged to foster this positive school-home partnership. Various stakeholders play critical roles in this partnership.

#### ***Parents***

All parents are expected to be active partners in their child's education. Parents should:

1. Contact their child's teachers if they have class-related concerns, if assignments are not arriving at home or if their child is doing poorly or failing.
2. Assist their child in making appropriate decisions and allow students to accept responsibility for his/her actions.
3. Understand the class and homework procedures of each teacher.
4. Inform school officials of changes in the home situation that may affect student conduct or performance.
5. Provide a place for study and ensure homework assignments are completed.
6. Arrange a daily quiet time and study area including proper lighting and appropriate reference materials, such as dictionary, almanac, atlas, etc.
7. Contact the school if family-related issues might interfere with academic progress.
8. Send their children to school ready to participate and learn.
9. Ensure their children attend school regularly and on time.
10. Ensure their child attends school every day. New York State Law requires that students attend school daily. Examples of lawful excuses: sickness or remedial health treatment; sickness or death in the family; religious observance; quarantine; required appearance in court; impassable roads or unsafe travel conditions as determined by school district.
11. Insist their children be dressed and groomed in a manner consistent with the student dress Code. (See Student Dress Code)
12. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
13. Know school rules and help their children understand them.
14. Convey to their children a supportive attitude toward education and the District.
15. Build good relationships with teachers, other parents and their children's friends.

16. Work with the faculty and staff to help their children deal effectively with peer pressure.

### ***Teachers***

All teachers are expected to serve as role models for the students and as such are expected to exemplify and consistently enforce high standards of respect and responsibility. As active professionals, teachers will:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Know school procedures and rules, and enforce them in a fair and consistent manner.
3. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline expectations
4. Communicate regularly with students, parents and other teachers concerning growth and achievement.
5. Present appropriate learning opportunities so that knowledge is accessible to every student.
6. Establish a routine for assigning homework and for fostering student responsibility and independence.
7. Give assignments both orally and in writing.
8. Check and return class work and homework to students in a timely fashion.
9. Make sure students are aware of the weight of class work, tests, evaluations and homework in grading.
10. Inform parents using the progress report, report card, by phone and/or by email. Contact parents when a significant change in academic performance or behavior occurs.

### ***Guidance Counselors, Social Workers, & Psychologists***

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 resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Encourage students to benefit from the curriculum and extracurricular programs.

### ***Response to Intervention Team***

The Response to Intervention (RTI) Team is present in each school in the District and plays an important part in identifying and addressing students' behavioral and academic

needs. The RTI team may consist of the Principal, Assistant Principal, Psychologist, Guidance Counselor, Social Worker, Speech and Language Teacher, and Classroom Teachers and works to:

1. Evaluate each case brought before it and make recommendations to try to address the student’s needs.
2. Assess the effectiveness of the interventions attempted.
3. Refer the student to the Committee on Special Education if steps prove unsuccessful or should the team suspect that the student might have a disability.

***Principal/Administrative Team***

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 administrators and approach the administrative team regarding violations of the Code of Conduct.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

***Dignity Act Coordinators***

In compliance with the Dignity for All Students Act (DASA), a Dignity Act Coordinator for each school shall be appointed by the Board of Education annually. The Dignity Act Coordinator for each school shall:

1. Ensure compliance with the requirements of the DASA policy.
2. Investigate and take appropriate action in response to complaints or allegations related to the bullying and/or harassment of students.
3. Prepare information to report incidents of bullying and/or harassment, in compliance with the requirements and procedures set forth by the New York State Education Department.

The following individuals are appointed to serve as the Dignity Act Coordinators for each school:

<b>Name</b>	<b>Title</b>	<b>School</b>	<b>Telephone</b>
Larry Mastrota	Assistant Principal	Harrison High School	630-3119
Scott Spector	Assistant Principal	Louis M. Klein Middle School	630-3039
Valerie Hymes	Principal	Harrison Avenue Elementary School	630-3190
Mark Woodard	Principal	Parsons Memorial Elementary School	630-3220
Dennis Kortright	Principal	Samuel J. Preston Elementary School	630-3150
Adam Gutterman	Principal	Purchase School	630-3170

## ***Superintendent***

As the chief administrator of the Harrison School District, the Superintendent assumes a leadership role and will:

1. Promote a safe, orderly and school environment, supporting active teaching and learning.
2. Review with administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education of 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 administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

## **Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have primary responsibility for acceptable student dress and appearance. Teachers and other district personnel should exemplify acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Recognize that extremely brief garments which expose the midriff and underwear and garments such as tube tops, net tops, midriff tops, halter tops, spandex, spaghetti straps, plunging necklines, hip-huggers, cut-off shorts, mesh shirts, tank tops, short-shorts are not appropriate.
3. Ensure that underwear is completely covered by outer clothing;
4. Include footwear at all times. Footwear that is a safety hazard is not allowed.
5. Only include the wearing of hats in the classroom if permitted by the Principal and/or the classroom teacher, provided that the wearing of hats does not distract from the learning process.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
7. Not promote and/or endorse the use of alcohol, tobacco, e-cigarettes, smoking, or illegal drugs and/or encourage other illegal or violent activities.
8. Not promote gang paraphernalia or gang-related dress.

These examples are for illustrative purposes only, and the Principal or his/her designee shall have the authority to determine what constitutes clothing that is appropriate for school.

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

Any student coming to school with inappropriate attire will be asked to cover up or modify the offending item or change at school providing they have something appropriate to change into, or the parent will be called to bring a change of clothing. Any student who refuses to do so shall be subject to discipline, up to and including in-school or out-of-school suspension. 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 Harrison Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

Each school conveys these expectations by recognizing “good” behavior of its students, through the staff constantly modeling for the students and by detailing guidelines of expectations and the consequences involved when rules of good conduct are not followed.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. 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.

The Board of Education 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 listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Off campus conduct may be subject to school discipline should the District determine in its discretion that such conduct has a nexus to school activities. A student may be subject to corrective action, disciplinary consequences, or suspension from school when the student:

#### **A. Engages in any form of academic misconduct, including but not limited to:**

1. Lateness for, missing or leaving school or class or homeroom without permission or excuse.
2. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion).
3. Plagiarism.
4. Altering school records.

5. Assisting another student in any of the above actions.

**B. Engages in conduct which is disorderly, including but not limited to:**

1. Engaging in any willful act that disrupts the normal operation of the school community.
2. Fighting or threatening behavior.
3. Violating Regents Rule 19.6 and Article 9-A of the General Municipal Law by engaging in any forms of gambling, betting, wagering, or on school grounds.
4. Discharging a fire extinguisher or falsely setting off a fire alarm.
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the designated authority in the school office.
6. Making unreasonable noise and/or causing a disruption to the educational process.
7. Using abusive or obscene language or gestures.
8. Disturbing any lawful assembly or meeting of persons.
9. Obstructing vehicular or pedestrian traffic.
10. Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
11. Defacing school property.
12. Running in the hallways.
13. Computer/electronic communications misuse, including any unauthorized use of personal electronic equipment and computers, software, or Internet/Intranet account; accessing inappropriate Web sites; or any other violation of the District's acceptable use policy.
14. Using cell phones and/or cameras that disrupt the educational process or otherwise compromise the privacy or rights of other students or staff (Note: Taking photographs on school grounds, during school hours, using a video camera, digital camera, cell phone, or any other photographic device, without a valid school purpose, is prohibited. Prior to taking photographs for any other reason, or using any of the above methods, consent shall be obtained from the building principal or his/her designee).
15. Violating cafeteria behavioral expectations. Food is to be eaten only in the cafeteria or designated areas. Students are expected to sit on chairs or benches and not to have their feet on the tables. There is to be no throwing or misuse of food.
16. Violating traffic regulations on school property.

**C. Engage in conduct that is insubordinate, including but not limited to the following:**

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students, or otherwise demonstrating disrespect.
2. Lateness from, missing, or leaving school without permission.
3. Skipping detention.

4. Lying to school personnel.

**D. Endangers the safety, morals, health or welfare of self and/or others by any act, including but not limited to:**

1. Bullying, which means systematically and intentionally inflicting physical hurt or psychological distress on one or more students or employees.
2. Lying or committing forgery.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a 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. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any activity, organization, club, or team.
7. Selling, using, or possessing obscene material.
8. Using vulgar or abusive language, cursing, or swearing.
9. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
10. Stealing or participating in the theft of money or material from other students, school personnel or other person lawfully on school property or attending a school function including the knowledgeable receipt of stolen goods.
11. Using, possessing, selling, offering, distributing, soliciting, or exchanging cigarettes, cigars, pipes, or chewing or smokeless tobacco or using similar inappropriate substances, whether or not specifically illegal.
12. Using, possessing, selling, offering, distributing, soliciting, or exchanging e-cigarettes, vapes, hookah sticks, shisha, vaporizers, associated vaping equipment and/or products such as cartridges, pods, or other storage mechanisms, whether or not specifically illegal.
13. Possessing, consuming, selling, distributing, and/or exchanging alcoholic beverages, illegal substances, possession of drug paraphernalia or being under the influence of either alcoholic beverages and/or illegal substances. "Illegal substances" include, but are not limited to, inhalants, cannabis (marijuana), synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
14. Inappropriately using or sharing prescription and over-the-counter drugs or possessing prescription drugs without prior notification to the school nurse.
15. Initiating a warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

16. Vandalizing, willfully damaging or destroying or attempting to cause damage to school or personal property, or willfully removing or using public or private property without authorization.
17. Misbehaving on school buses and vans by physically harming other students or driver, damaging property, refusing to obey the driver, or causing persistent disruption.
18. Selling, using or possessing weapons\*, fireworks or other dangerous instruments or contraband capable of inflicting physical injury, or causing damage to property. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
19. Extorting money, goods, or favors from any member of the school community.
20. Reckless driving.
21. Reporting a false bomb scare.
22. Causing a false fire alarm.

\* Refer to Code of Conduct Definitions.

**E. Engage in conduct that is violent. Violent behavior includes but is not limited to:**

1. Committing or attempting to commit an act of violence while on school property or at a school function (such as hitting, kicking, punching, and/or scratching) upon a teacher, another student, administrator, other school employee or any other person lawfully on school property or at a school function.
2. Displaying what appears to be a weapon while on school property or at a school function.
3. Threatening to use any weapon while on school property or at a school function.
4. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property, or at a school function, including graffiti or arson.
5. Intentionally damaging or destroying school district property.
6. Assaulting or willfully injuring another person, including fighting and/or engaging in violent behavior while on school property or at a school function.
7. Willfully or maliciously burning of property.

**F. Inciting or conspiring with another person to commit or attempt any of the acts enumerated above.**

**Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Principal or his/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 Principal, the

Principal's designee or the Superintendent. Students should report to an administrator if they hear students verbalizing an intent to harm themselves or others.

All students, faculty, and/or staff who observe the harassment or intimidation of students, or who become aware of the harassment or intimidation of students, shall report this information immediately to the Principal or his/her designee. The Principal or his/her designee shall investigate the report of harassment or intimidation and shall take appropriate disciplinary action. Consistent with the District's policy on Dignity for All Students, students and faculty/staff who have a reasonable cause to suspect that a student has been subjected to intimidation or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

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

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

The Principal or his/her designee must notify the Superintendent and appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

### **Disciplinary Procedures, Penalties & Referrals**

#### ***Procedures and Referrals***

Each school's objective is to educate students to make appropriate choices in their school and personal lives. It is important that students develop proper habits that reflect character and integrity. When students do misbehave, 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 when necessary and to place emphasis on the student's ability to grow in self-discipline.

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

1. The student's age and/or grade level
2. The nature of the offense and the circumstances which led to the offense
3. The student's prior disciplinary record
4. The effectiveness of other forms of discipline
5. Information from parents, teachers and/or others, as appropriate
6. Status if classified by the Committee on Special Education
7. Other extenuating circumstances

When appropriate, discipline will be progressive. However, there will be exceptions when progressive discipline is not appropriate. This means that a student's first violation may merit a lighter penalty than subsequent violations. However, depending on the circumstances this may not apply.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### ***Penalties***

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, whether alone or in combination. It is the Board's desire that student discipline is progressive, thus a student's first violation *may* merit a lighter penalty or action than subsequent violations; however, *depending upon the nature of the violation*, any one of these penalties/actions can be implemented. The following penalties and/or actions may be implemented, either alone or in combination, for violation of the Code of Conduct:

- Oral warning
- Written warning
- Notification to parents
- Reprimand
- Detention
- Time out
- Teacher conference
- Parent conference
- Referral to legal action, police
- Suspension from transportation
- Exclusion from a particular class

- Suspension from after school or extra curricular activities such as newspaper, athletics, drama, music, etc.
- In-school suspension
- Probation
- Suspension
- Expulsion

### ***Procedures***

In the case of a student charged with having violated the rules and regulations found in this Code of Conduct, the Principal of the school or his/her designee shall be authorized to determine whether a violation has occurred. Subsequently, any penalties authorized by law, including but not limited to a suspension for a period of up to five (5) school days, can be imposed by a Principal or his/her designee. In all cases, the student must be informed of the alleged misconduct and be given an opportunity to respond to the allegation(s). Furthermore, to the extent necessary, the facts surrounding the alleged misconduct will be investigated by the Principal or his/her designee.

In determining the guilt or innocence of a student, the Principal or his/her designee shall not consider any information other than the evidence relevant to the guilt or innocence of the student with regard to the conduct with which the student is charged. If a student is determined by the Principal or his/her designee to have engaged in the conduct alleged, the student's parent(s) shall be so notified and shall be given the opportunity to attend an informal conference with the complaining witness(es), which, depending on the circumstances, may be the Principal or his/her designee, to discuss the misconduct and the proposed or imposed penalty. Parents and students should be aware that in the event the District determines that a student's conduct poses a danger or ongoing threat of disruption, the disciplinary penalty may be imposed prior to notifying the parent(s) and/or holding the informal conference. If a student's conduct is determined by the District not to pose a danger or ongoing threat of disruption, the student's parent(s) will be notified and given the opportunity for an informal conference to discuss the proposed disciplinary action prior to the imposition of such penalty. If a student is determined to be innocent of a disciplinary infraction, any reference to the alleged infraction or related proceedings shall be expunged from the student's school records.

In the event that the Principal determines that the violation warrants a penalty of a suspension for a period in excess of five (5) school days, the matter shall be referred to the Superintendent for a hearing pursuant to Section 3214 of the NYS Education Law. In such event, the parent(s)/guardians will be notified in writing as to the time and place of the hearing. Such notice shall be provided within a reasonable period of time prior to the hearing and shall provide reasonable notice as to the disciplinary charges upon which the hearing is based.

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of alleged misconduct and must investigate, to the extent necessary, the facts surrounding the

alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

#### 1. Detention

Teachers, Principals and the Superintendent may use after school detention as a penalty for a student's misconduct in various situations. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that the parent is aware of the penalty 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 driver is expected bring such misconduct to the attention of an administrator. Students who violate the Code of Conduct may have their riding privileges suspended by the Principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for arranging that his/her child gets to and from school safely.

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 will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty 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 will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

#### 4. In-school suspension

In accordance with Board of Education policy, each school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, administrators and their designees will place students who would otherwise be suspended from school as a result of a Code of Conduct violation in an "in-school suspension." However, the administrator has the discretion to impose an out-of-school suspension.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided

with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### 5. Teacher disciplinary removal of disruptive students

A teacher may remove a “disruptive” student from class. A disruptive student is one who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom or a school activity. Unless the teacher finds that the student’s presence in the classroom poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, prior to removal, the teacher must:

1. Inform the Principal of the reasons for the removal.
2. Give the student an explanation of the basis for the removal.
3. Give the student, within 24 hours of removal, an opportunity to present to the teacher and the Principal his/her version of relevant events.

The Principal must:

1. Inform the student’s parents of the removal and the reasons for the removal within 24 hours of the removal.
2. Give the student and/or the student’s parents an opportunity to meet with the Principal and discuss the reasons for the removal.

If the student denies the charges, the Principal must provide an explanation of the basis of for the removal and an opportunity for the student and /or the student’s parents to present the student’s version at an informal hearing to be held within 48 hours of the student’s removal.

The Principal may set aside the teacher’s disciplinary action only upon finding that:

1. The charges against the student are unsupported by substantial evidence
2. The removal constitutes a violation of law
3. The conduct warrants suspension from school and imposes a suspension.

The Principal must make this determination by the close of business on the day after the 48-hour period for an informal hearing.

#### 6. Suspension from school (out of school)

##### **a. Short-Term (5 days or less) suspension from school**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health 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 Principals.

All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals 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 within 24 hours by the staff member recommending the suspension.

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

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 Principal or designee must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided to ensure receipt of the notice within 48 hours of the decision to propose suspension at the last known address for the parents. However, the notice can initially be provided by telephone if the administrator can contact the parents/guardians accordingly.

The suspension notice shall provide a description of the charges against the student and the incident for which suspension is proposed. At the conference (by phone) regarding the suspension attended by the parent, the teacher and the administrator, the parent shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may established.

A verbal notice and opportunity for an informal conference must 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 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.

The Principal or his/her designee shall promptly advise the parents in writing of his/her decision. Parents may appeal the Principal’s decision to the Superintendent. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within thirty (30) days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances

precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

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

When the Superintendent or Principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the Superintendent's hearing the student shall have the right to be represented by counsel, the right to question witnesses and other evidence on his/her behalf.

An appeal of the decision of the Superintendent may be made to the Board of Education 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 ten (10) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

***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.

***Periods of Suspension***

1. Students who bring a weapon to school:

Any student that is found to have brought a weapon onto school property is subject to a long-term suspension from school (minimum of one 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 long-term suspension on a case-by-case basis. In deciding the length of the penalty, the Superintendent may consider the following:

1. The student's age and/or grade level
2. The student's grade in school
3. The student's prior disciplinary record
4. The Superintendent's belief that other forms of discipline may be more effective
5. Input from parents, teachers and/or others (including police officials)
6. 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 who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to an out-of-school suspension from school for at least one to five days. If the proposed penalty is a one to five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the suspensions on a case-by-case basis.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school from one to 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. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.

Students can also have the privilege to serve in the Harrison Interscholastic Program revoked for a period of time determined by the Athletic Director and/or the Superintendent. Students who are suspended from school (in/out) may not participate in any school function including athletic practice/events during the suspension.

### ***Referrals for Further Intervention***

#### **1. Counseling**

Faculty and staff shall partner with school counselors, social workers, and/or school psychologists to make referrals for counseling support when appropriate.

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

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses drugs 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 Harrison Central School District Superintendent may 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 may refer students ages 16 and older or any student age 14 with juvenile offender status to the appropriate law enforcement.

### **4. Child Protective Services**

All legally mandated reporters are required by law to report suspected child abuse or neglect to the Child Protective Services.

#### ***Alternative Instruction***

When a teacher removes a student of any age from class, 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 in accordance with Education Law §3214. However, once a student is no longer of compulsory age, it shall be in the District's discretion whether to provide such alternative education to the student.

#### **Discipline of Students with Disabilities**

The Harrison Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive 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. A “suspension” means a suspension pursuant to Education Law §3214.
  - b. 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.
  - c. An “IAES” means a temporary educational placement for a period of up to forty-five (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 educational program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the District (BOCES) Superintendent or a 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 (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (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 or removal and does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than ten (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.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a

disability would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or use of illegal drugs or sells or solicits the sale of a controlled substances while at school or a school function.

- i. “weapon” means the same as “dangerous weapon” under 18U.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 for causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2-1/2 inches in length.”
  - ii. “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 regulations applicable to this policy.
  - iii. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- e. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may offer the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either (a) for more than ten (10) consecutive school days; or (b) for a period of ten (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 suspension or removal, the total amount 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 pattern of suspension 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 removal if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

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

- a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten (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 meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has been determined to be eligible for services under ISEA 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 District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The Superintendent, Principal or other school official imposing suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes, if upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
      - i. conducted an individual evaluation and determined that the student is not a student with a disability, or

- ii. determined that an evaluation was not necessary and provide notice to the parents 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 as any other non-disabled student whom 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 complete, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Educational Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disable students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into his 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 for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
    - ii. 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 prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than forty-five (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 which a crime is reported.

## **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.

## **Student Searches and Interviews**

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the 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 before questioning the student. However, school officials will tell students why they are being questioned.

In addition, the Board authorizes the Superintendent and Principals or his/her designee to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. In situations where public safety may be in jeopardy, the administrator can act immediately on this so the risk to students and staff is minimized.

An authorized school official may search a student or the student's belongings based upon information received from a reliable source. Individuals, other than the district employees, will be considered reliable sources 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.

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.

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers.

### **B. Interview and Search Procedures**

Protocol governing non-personal student searches

1. School officials may request, upon reasonable suspicion, a student to:
  - a. Turn pockets inside out.
  - b. Remove outer garments such as jackets or coats so that a more thorough inspection of those garments may be conducted.
  - c. Raise pant legs to just below the knee.
  - d. Remove shoes
2. Any search or search procedure of a student will be conducted by a school official out of the presence of other students. If possible, there will be two school officials present whenever a search is conducted.

### **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 (i.e., what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his/her title and position.

7. Witnesses, if any to the search. Should have one adult witness.
8. Time and location of search.
9. Results of search (i.e., what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification. The Principal or his/her designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his/her designee shall clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police. The Principal or his/her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

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

School 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. Advised the administrator they are in the building; or
2. Been invited by school officials; or
3. A search or arrest warrant; or
4. 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 Principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, except in those instances where there is a concern about imminent danger. 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 neglected, school representatives will cooperate with local Child Protective Services workers who wish to

conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Principal or his/her designee. The Principal or his/her designee shall state the time and place of the interview. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required or remove his/her clothing in front of a Child Protective Services worker or school district official of the opposite sex.

A Child Protective Services worker may not remove a student from the school 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 or abuse, the worker may remove the student without a court order and without the parent's consent. The Child Protective Services worker must make a request to remove a student in writing to the Principal and include the reason for the request.

### **Visitors to the Schools**

Parents and other district citizens shall be permitted to visit schools to the extent that their visitation does not disrupt the educational process, as determined by the Principal or his/her designee. The Principal or his/her designee is responsible for all persons in the building and on the grounds. The following rules apply to visitors to the schools:

1. All visitors are required to sign the visitor's register at the main entrance and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds.
2. Anyone who is not a regular staff member or student of the school will be considered a visitor.
3. Visitors attending after-school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are advised not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the Principal or his/her designee, and will be asked to register or leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
7. The Principal or his/her designee has the authority to restrict or limit visitations that may interfere with the educational process of students.

### **Public Conduct on School Property**

To create and maintain an orderly, respectful environment that is conducive to learning, it is necessary for administrators and staff 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 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 that they are on school property.

### ***Prohibited Conduct on School Property***

This section applies to all persons on school grounds. No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy (including graffiti or arson) school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed to students.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers.

11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Use tobacco products, including e-cigarettes.
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.

### ***Penalties***

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. Police will be notified if necessary.
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 3020-a or any other legal rights that they may have.
4. Civil Service employees: 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.

### ***Enforcement***

The Superintendent or her/his designee(s) shall be responsible for enforcing the conduct required by this Code. While this Code is meant to encompass all potential situations, the authority of the Superintendent and his/her designee(s) extends where appropriate beyond the aforementioned Code in the case of an omission to this document.

When a school official sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, the school official 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 “Penalties” section above. In addition, the Harrison School District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **Dissemination and Review**

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

1. Posting the complete Code of Conduct on the District website, including any annual updates and other amendments to the Code;
2. Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, and reviewing the Code of Conduct at a school assembly to be held at the beginning of each school year;
3. Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
4. Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
5. Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

The Superintendent or his/her designee will facilitate a review this Code of Conduct every year and update it as necessary. In conducting the review, the committee will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

If needed, the Superintendent may appoint an advisory sub-committee to assist in reviewing the Code and the committee's response to the 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.